

North Carolina Courts

FY 2003-04



*Statistical and Operational Summary
of the Judicial Branch of Government*

TABLE OF CONTENTS

Part I: The Present Court System

North Carolina Judicial Branch Fact Sheet.....	1
Original Jurisdiction and Routes of Appeal.....	2
The Present Court System.....	3
Judicial Branch Personnel.....	14
Map of Judicial Divisions and Superior Court Districts.....	15
Map of District Court Districts.....	16
Map of Prosecutorial Districts	17

Part II: Court Resources

Appropriations and Expenditures -- Ten-Year Trends.....	20
Expenditures -- Current Fiscal Year.....	21
Receipts -- Ten-Year Trends and Current Fiscal Year.....	22
Fees, Fines, and Forfeitures -- Distributed to Counties and Municipalities.....	23
Cost and Case Data on Representation of Indigents.....	25
State Mental Health Hospital Commitment Hearings	26
Assigned Private Counsel Cases and Expenditures.....	27

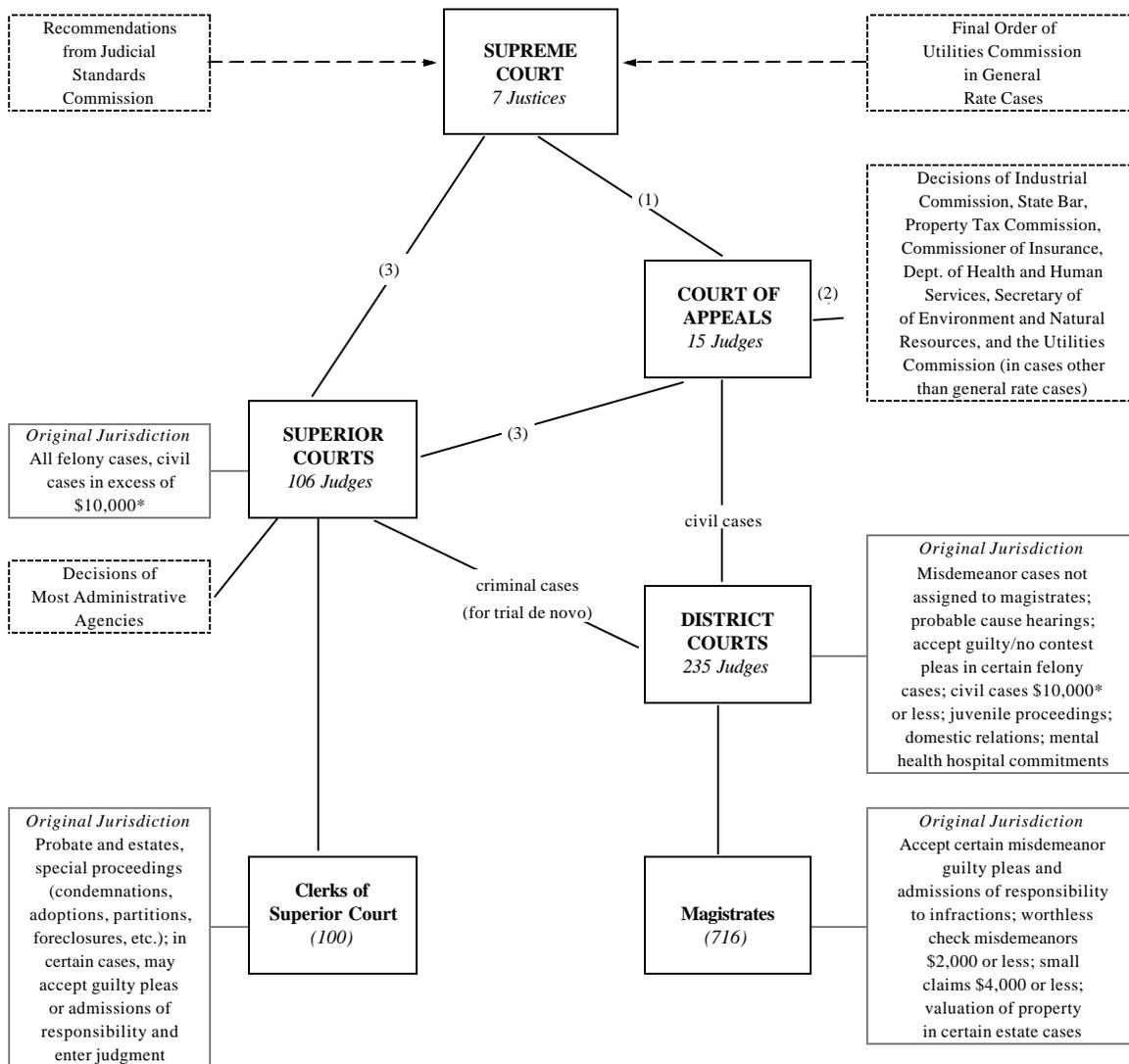
Part III: Caseload Data

Appellate Courts Data	
The Supreme Court.....	35
Appeals Docketed and Disposed -- Ten-Year Trends	36
Petitions Docketed and Allowed -- Ten-Year Trends	36
Caseload Inventory.....	37
Submission of Cases Reaching Decision Stage.....	38
Disposition of Petitions	38
Disposition of Appeals.....	39
Processing Time for Appeals Disposed by Opinion.....	40
The Court of Appeals.....	41
Filings and Dispositions -- Ten-Year Trends	42
Filings and Dispositions -- Current Fiscal Year.....	42
Manner of Case Dispositions	42
Trial Courts Data	
Trial Courts Case Data	44
Caseload Inventory and Median Ages of Superior Court Cases.....	45
Manner of Disposition of Superior Court Cases.....	46
Caseload Inventory and Median Ages of District Court Cases	47
Manner of Disposition of District Court Cases	48
Matters Alleged in Juvenile Petitions	49
Adjudicatory Hearings for Juvenile Matters	49
Special Programs Data.....	51
Arbitration Program.....	52
Child Custody and Visitation Mediation Program.....	55
Mediated Settlement Conferences Program.....	58
Family Financial Settlement Procedures Program.....	60
Sentencing Services Program.....	61

PART I

THE PRESENT COURT SYSTEM

ORIGINAL JURISDICTION AND ROUTES OF APPEAL
(As of June 30, 2004)



- (1) Appeals from the Court of Appeals to the Supreme Court are by right in cases involving constitutional questions, and cases in which there has been dissent in the Court of Appeals. In its discretion, the Supreme Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance.
- (2) Appeals from these agencies lie directly to the Court of Appeals.
- (3) As a matter of right, appeals go directly to the Supreme Court in first degree murder cases in which the defendant has been sentenced to death, and in Utilities Commission general rate cases. In all other cases appeal as of right is to the Court of Appeals. In its discretion, the Supreme Court may hear appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full.

*The district and superior courts have concurrent original jurisdiction in civil actions (G.S. 7A-240). However, the district court division is the *proper* division for the trial of civil actions in which the amount in controversy is \$10,000 or less; and the superior court division is the *proper* division for the trial of civil actions in which the amount in controversy exceeds \$10,000 (G.S. 7A-243).

THE PRESENT COURT SYSTEM

This section describes the present court system in North Carolina by providing a general summary of the organization and functions of the offices composing the Judicial Branch. Fiscal, personnel, caseload, and program data are set forth in other sections of this report.

Court Structure

Article IV of the North Carolina Constitution establishes the General Court of Justice, which “shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.” The Constitution also states that the “General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.”

The Appellate Division consists of the Supreme Court and the Court of Appeals. The Superior Court Division is composed of the superior courts, which are the general jurisdiction trial courts for the state. The District Court Division comprises the district courts, which are the trial courts with original jurisdiction of the overwhelming majority of the cases handled by the state’s court system. The structure of the present court system is shown in the preceding “Original Jurisdiction and Routes of Appeal” chart.

The Supreme Court

At the apex of the North Carolina court system is the seven-member Supreme Court, which sits in Raleigh to consider and decide questions of law presented in civil and criminal cases on appeal. The chief justice and six associate justices are elected to eight-year terms by the voters of the state. The Court sits only *en banc*, that is, all members sitting on each case.

The Supreme Court has general power to supervise and control the proceedings of the other courts of the General Court of Justice. The Supreme Court has the authority to prescribe the rules of practice and procedure for the trial court divisions. The Supreme Court also promulgates the yearly schedule of superior court sessions in the 100 counties, and appoints the clerk of the Supreme Court, the librarian of the Supreme Court Library, and the appellate division reporter.

The chief justice of the Supreme Court has certain other administrative responsibilities, which include appointing the director and the assistant director of the Administrative Office of the Courts, designating a chief judge from among the judges of the Court of Appeals and a chief district court judge from among the district court judges in each of the state’s district court districts, assigning superior court judges to the scheduled sessions of superior court in the 100 counties, transferring district court judges to other districts for temporary or specialized duty, appointing certain members of the Judicial Council, Judicial Standards Commission and the Courts Commission, and appointing the chief administrative law judge of the Office of Administrative Hearings.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. The Court’s appellate jurisdiction includes cases on appeal by right from the Court of Appeals (cases involving substantial constitutional questions or dissent in the Court of Appeals), cases on appeal by right from the Utilities Commission (cases involving final orders or decisions in general rate matters), criminal cases on appeal by right from the superior courts (first degree murder cases in which the defendant has been sentenced to death), and cases in which review has been granted in the Supreme Court’s discretion. Discretionary review directly from the trial courts may be granted when delay would likely cause substantial harm or when the workload of the courts of the Appellate Division is such that the expeditious administration of justice requires it. However, most appeals are heard only after review by the Court of Appeals.

The Court of Appeals

The fifteen-judge Court of Appeals is North Carolina’s intermediate appellate court. It hears a majority of the appeals originating from the state’s trial courts. The Court regularly sits in Raleigh, although it may sit in other locations in the state as authorized by the Supreme Court. Sessions outside of Raleigh have not been regular or frequent. Judges of the Court of Appeals are elected by popular statewide vote for eight-year terms. A chief judge for the Court is designated by the chief justice of the Supreme Court and serves in that capacity at the pleasure of the chief justice.

Panels of three judges hear cases, with the chief judge responsible for assigning members of the Court

to the five panels. Insofar as practicable, each judge is to be assigned to sit a substantially equal number of times with each other judge. The chief judge presides over the panel of which he or she is a member and designates a presiding judge for the other panels.

One member of the Court of Appeals, designated by the chief justice of the Supreme Court, serves as the chair of the Judicial Standards Commission. In the event of a recommendation from the Commission to censure or remove from office a justice of the Supreme Court, a seven-member panel of Court of Appeals judges would have sole jurisdiction to consider and act upon the recommendation.

The bulk of the caseload of the Court of Appeals consists of cases appealed from the trial courts. The Court also hears appeals directly from the Industrial Commission, along with appeals from final orders or decisions of certain administrative agencies, as shown on the preceding jurisdiction chart. Appeals from the decisions of other administrative agencies lie first within the jurisdiction of the superior courts.

The Superior Courts

The superior courts are the state's general jurisdiction trial courts, with jurisdiction over the most serious crimes (felonies) and civil cases with substantial amounts in controversy.

The superior courts hold sessions in the county seats of North Carolina's 100 counties. For electoral purposes, the counties are grouped into 65 superior court districts, which are collapsed into 47 districts for administrative purposes. One or more superior court judges are elected by district for eight-year terms in each of the superior court electoral districts.

In FY 2003-04, there were 93 resident superior court judges. In addition, thirteen special superior court judges have been authorized by the legislature and appointed by the Governor. Each administrative district has one senior resident superior court judge who has certain administrative responsibilities (such as providing for civil case calendaring procedures) for his or her home district. In districts with more than one resident judge, the judge senior in service on the superior court bench exercises these supervisory powers.

The superior court districts are grouped into eight divisions for the rotation of superior court judges, as shown on the following superior court district map. Within the division, resident superior court judges rotate among the districts and normally hold court for at least six months in each, then move on to their next assignment. The special superior court judges may be assigned to hold court in any county. Assignments

of all superior court judges are made by the chief justice of the Supreme Court. Under the North Carolina Constitution, at least two sessions of superior court are held annually in each county. The vast majority of counties have more than the constitutional minimum. Many larger counties have superior court sessions about every week in the year.

The superior court has original jurisdiction in all felony cases and in those misdemeanor cases specified in G.S. 7A-271. Most misdemeanors are tried first in the district court, from which conviction may be appealed to the superior court for trial *de novo* by a jury. The superior court is the "proper" court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from most administrative agencies, as indicated on the preceding jurisdiction chart. Regardless of the amount in controversy, the original civil jurisdiction of the superior court does not include domestic relations cases, which are heard in the district court, or probate and estates matters and certain special proceedings heard first by the clerk of superior court. Rulings of the clerk are within the appellate jurisdiction of the superior court.

The District Courts

The district courts, the state's limited jurisdiction trial court level, dispose of the vast majority of the cases filed in the courts.

Under the North Carolina Constitution, the General Assembly is required to divide the state into a "convenient" number of local court districts and prescribe where the district courts shall sit, but district court must sit in at least one place in each county. As shown on the following map, there were 39 district court districts for administrative purposes during FY 2003-04, with each district composed of one or more counties. (There are 40 district court districts for electoral purposes, with District 9 being split into electoral Districts 9 and 9B.) One or more district court judges are elected to four-year terms by the voters of each of the district court districts. During FY 2003-04, there were 235 district court judges.

The chief justice of the Supreme Court appoints a chief district court judge from among the elected judges in each district court district. Subject to the chief justice's general supervision, each chief judge exercises administrative supervision and authority over the operation of the district courts and magistrates in the district. Each chief judge is responsible for scheduling sessions of district court and assigning judges, supervising the calendaring of non-criminal cases, assigning matters to magistrates, making a-

rangements for jury trials in civil cases, and supervising the discharge of clerical functions in the district courts. The chief district court judges meet in conference at least once a year upon the call of the chief justice of the Supreme Court. Among other matters, this annual conference adopts a uniform schedule of waivable offenses and fines for their violation, for use by magistrates and clerks of court.

The jurisdiction of the district court is extensive. It includes preliminary “probable cause” hearings in felony cases, and virtually all misdemeanor and infraction cases. (Infractions are non-criminal violations of law that are not punishable by imprisonment, a category of case created effective September 1, 1986, when the General Assembly decriminalized many minor traffic offenses.) The district court also has jurisdiction to accept guilty pleas in certain felony cases, and the court’s jurisdiction extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases, but are the “proper” courts for general civil cases where the amount in controversy is \$10,000 or less.

Most trials in criminal and infraction cases in district court are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for trial *de novo* before a jury. District court judges also hold felony probable cause hearings. Civil cases in district court may be tried before a jury; appeals are to the North Carolina Court of Appeals.

Magistrates

The North Carolina Constitution provides that one or more magistrates “who shall be officers of the District Court” shall be appointed in each county. Magistrates are appointed by the senior resident superior court judge and are supervised by the chief district court judge of their district. A total of 716 magistrates (24 part-time) were authorized as of June 30, 2004.

Magistrates have substantial authorities in certain misdemeanor and infraction cases, including the power to hear and enter judgments in certain worthless check cases and to accept written appearances, waivers of trial or hearing, and pleas of guilty or admissions of responsibility, and enter judgments in certain misdemeanor and infraction cases, in accordance with a uniform schedule adopted by the Conference of Chief District Court Judges. They also may conduct initial appearances, grant bail before trial in noncapital cases, and issue arrest and search warrants. Decisions of magistrates in criminal cases may be appealed to the district court judge.

In the civil area, if the amount in controversy is \$4,000 or less and the plaintiff in the case so requests, a civil case may be designated a “small claims” case and assigned to a magistrate for hearing. Magistrates’ decisions may be appealed to the district court.

The State Judicial Council

The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and the public. Conceived as an oversight body to promote overall improvement in Judicial Branch operations, the Council may study and make recommendations to the chief justice about all aspects of our court system. The State Judicial Council studies the operations of the judicial system and makes recommendations including, but not limited to, budget preparation and funding priorities, judicial officials’ benefits and compensation, and the creation of judgeships. In addition, the Council studies and makes recommendations on the development of court performance standards and assesses the effectiveness of Judicial Branch service to the public. The Council also monitors the administration of justice and makes recommendations for case management and alternative dispute resolution. The present eight committees of the State Judicial Council are Salaries and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, Court Jurisdiction and Organization, Judicial Branch Education, Pro Se, and Legislative Affairs.

The District Attorneys

The district attorney represents the state in all criminal actions brought in the superior and district courts in the district, as well as in juvenile cases in which the juvenile is represented by an attorney, and is responsible for ensuring that infraction cases are prosecuted efficiently. In addition to prosecutorial functions, the district attorney is responsible for calendaring criminal cases for trial.

During FY 2003-04, the state was divided into 39 prosecutorial districts, as shown on the following prosecutorial district map. The boundaries of the prosecutorial districts correspond to those of the 39 district court administrative districts. A district attorney is elected by the voters in each district for a four-year term.

G.S. 7A-60 specifies the number of assistant district attorneys that each district attorney may employ on a full-time basis (totaling 435 as of June 30, 2004; four additional assistants were employed in time-

limited or grant-funded positions). Each district attorney is authorized to employ an administrative assistant to aid in preparing cases for trial and to expedite the criminal court docket. The General Assembly has also authorized the district attorney in certain districts to employ an investigatorial assistant who aids in the investigation of cases prior to trial. All district attorneys employ at least one assistant for administrative and victim and witness services.

Representation of Indigent Persons

The state provides legal counsel for indigent persons in a variety of actions and proceedings, as specified in G.S. 7A-450 *et seq.* These include, among others, any case in which imprisonment, a suspended sentence, or a fine of \$500 or more is likely to be adjudged; juvenile proceedings that may result in confinement, transfer to superior court for trial on a felony charge, or termination of parental rights; proceedings alleging mental illness or incapacity that may result in hospitalization or sterilization; extradition proceedings; certain probation or parole revocation hearings; and certain requests for post-conviction relief from a criminal judgment.

Juveniles alleged to be within the jurisdiction of the court for allegations of delinquency or for other matters have the right to be represented by counsel in all proceedings, and are conclusively presumed to be indigent and thus entitled to state-appointed counsel. In delinquency matters, juveniles are represented by public defenders, where present, or by private counsel. Where a juvenile petition alleges that a juvenile is abused, neglected, or dependent, an indigent parent has a right to appointed counsel (G.S. 7B-602).

Commission on Indigent Defense Services

This thirteen-member Commission was created by the Indigent Defense Services Act of 2000. The Commission and its staff, the Office of Indigent Defense Services, are located within the Judicial Branch but exercise their prescribed powers independently from the AOC. The Commission and the director of the Office of Indigent Defense Services are responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in all cases where indigent persons are entitled to representation at state expense.

Public Defenders

Throughout FY 2003-04, 14 counties were served by 12 public defender offices, in Defender Districts 3A, 3B (Carteret County only), 12, 14, 15B, 16A, 16B, 18, 21, 26, 27A, and 28. Public defenders are

appointed by the senior resident superior court judge, and their terms are four years. By statute, public defenders are entitled to the numbers of assistants and investigators as may be authorized by the Commission on Indigent Defense Services.

In public defender districts, most representation of indigents is handled by the public defender's office. However, in certain circumstances, such as a potential conflict of interest or when the proper administration of justice requires it, the court or the public defender may assign private counsel to represent an indigent person.

Private Counsel

In areas of the state that are not served by a public defender office, representation of indigent persons is provided almost entirely by assignment of private counsel. Private counsel is assigned by the court, the Office of Indigent Defense Services, and in certain circumstances, the public defender. Compensation of private counsel is fixed in accordance with rules adopted by the Office of Indigent Defense Services. The Commission on Indigent Defense Services has promulgated rules relating to the qualifications and appointment of counsel in capital cases and non-capital appeals.

Appellate Defender

Pursuant to rules adopted by the Commission on Indigent Defense Services, the appellate defender assigns counsel to represent indigent criminal defendants, juveniles, and parent-respondents who have a right to appeal adverse judgments entered in the Trial Division to the Supreme Court of North Carolina and to the North Carolina Court of Appeals. The appellate defender is appointed by the Commission. Assistant appellate defenders represent as many of these clients as possible, and generally are appointed in potentially complex cases. Clients not represented by the Office of the Appellate Defender are assigned to qualified private counsel. The Office provides consulting services to appointed appellate counsel and, in conjunction with the Institute of Government, conducts continuing legal education in appellate practice. During FY 2003-04, the Office of the Appellate Defender accepted appointment to represent clients in 154 appeals or petitions for writ of certiorari, and filed 95 briefs in the Appellate Division.

Capital Defender

Pursuant to rules adopted by the Commission on Indigent Defense Services, the capital defender assigns counsel to represent indigent defendants

charged with potentially capital offenses, and reviews ex parte requests for expert funding in those cases. The capital defender is appointed by the Commission.

The capital defender supervises a number of regional assistant capital defenders based in Beaufort, Durham, Forsyth, and New Hanover counties. Assistant capital defenders are assigned to represent defendants charged with capital offenses whenever possible. Clients not represented by the Office of the Capital Defender are assigned to qualified private counsel or public defenders. The Office also provides consulting services and other support for private attorneys representing capital defendants.

Special Counsel

The state provides attorneys and supporting staff at each of the state's four mental health hospitals, for the representation of indigent patients in commitment or recommitment hearings before a district court judge. Each patient admitted to a mental health hospital pursuant to the civil commitment procedures of Chapter 122C of the General Statutes is entitled to a judicial hearing soon after the initial admission, as well as periodic hearings to review the patient's commitment status. The Commission on Indigent Defense Services appoints attorneys to serve as special counsel.

Sentencing Services

The Community Penalties Act of 1983 created the Community Penalties Program to reduce prison overcrowding by providing judges with community sentencing options to be used in lieu of and at less cost than imprisonment. Effective July 1, 1991, the General Assembly transferred the Community Penalties program from the Department of Crime Control and Public Safety to the AOC. In 1999 and 2000, the General Assembly made revisions in the Program's purpose and changed its operational name to the Sentencing Services Program. The 2002 Appropriations Act reduced the program's overall budget and transferred the program to the Office of Indigent Defense Services. A mix of grant programs and state-operated programs continue to operate in all 100 counties under the direction of the Office of Indigent Defense Services.

Guardian ad Litem Program

When a petition alleges juvenile abuse or neglect, the judge is required to appoint a guardian ad litem for the child, and when a petition alleges dependency, the judge may appoint a guardian ad litem. If the guard-

ian ad litem is not an attorney, the judge also is to appoint an attorney to represent the juvenile's interests (G.S. 7B-601). Guardians ad litem and attorney advocates are provided through the Guardian ad Litem Services Program of the Administrative Office of the Courts, which is summarized in a later section.

The Clerks of Superior Court

A clerk of superior court is elected for a four-year term by the voters in each of North Carolina's 100 counties. Clerks of superior court are *ex officio* judges of probate. Their original jurisdiction includes the probate of wills and administration of decedents' estates. It also includes such "special proceedings" as adoptions, condemnations of private property under the public's right of eminent domain, proceedings to establish boundaries, foreclosures, and certain proceedings to administer the estates of minors and incompetent adults. The right of appeal from the clerks' judgments in such cases lies to the superior court.

In proceedings before them, the clerks have authority to issue subpoenas and other process, including orders to show cause, and otherwise exercise control of such proceedings, including through certain contempt powers. Clerks administer oaths, take acknowledgments and proofs of execution of instruments or writings, issue arrest warrants and search warrants, and may conduct initial appearances and fix conditions of release in noncapital cases.

Clerks of superior court are also empowered to issue subpoenas and other process necessary to execute the judgments entered in the superior and district courts of the county. For certain misdemeanor offenses and infractions, clerks are authorized to accept defendants' waivers of appearance and pleas of guilty or admissions of responsibility and to impose penalties or fines in accordance with a uniform schedule adopted by the Conference of Chief District Court Judges.

Clerks perform administrative duties for both the superior and district courts of the county. Among these duties are the maintenance of court records and indexes, including the records of all case filings and dispositions, as well as the control and accounting of funds, and the furnishing of information to the Administrative Office of the Courts. For counties other than those in districts served by trial court administrators, the clerk is responsible for day-to-day civil calendar preparation. In many counties, the clerk's staff assists the district attorney in preparing criminal case calendars as well.

Trial Court Administrators

In 1979, following favorable results in a grant-funded pilot project, the General Assembly established state-funded trial court administrator positions to help court officials manage their trial court procedures. During FY 2003-04, twelve trial court administrators served the following superior court districts: 3B, 4A & 4B, 5, 7A & 7B, 10, 12, 14, 21, 26, 27A, 28, and 29.

Trial court administrators are responsible for carrying out the policies of the senior resident superior court judge and the chief district court judge. They also provide general management for the operations of the courts in their districts.

The general duties of trial court administrators, set forth in G.S. 7A-356, include assisting in managing civil dockets, improving jury utilization, supervising coordination of alternative dispute resolution programs, and serving as technical resources to other court officials, such as the clerk of superior court, district attorney, and public defender. The trial court administrators may also be responsible for coordinating the court's involvement in issues relating to court facilities, pretrial release programs and jails, and may serve as the court's liaison with other governmental and private organizations, the press and the public. The specific duties and responsibilities vary from district to district, reflecting the priorities of local court officials and the demands of the local environment.

Following screening by the Administrative Office of the Courts, a trial court administrator is appointed by and serves under the general supervision of the senior resident superior court judge and the chief district court judge in each district.

Court-Ordered Arbitration

In 1989, following successful experience in a pilot program, the General Assembly authorized court-ordered, non-binding arbitration statewide. As of June 30, 2004, arbitration programs were operating in 72 counties in 33 superior court districts.

In these counties, all civil cases involving claims for money damages of \$15,000 or less are subject to court-ordered, nonbinding arbitration in accordance with the Supreme Court's "Rules for Court-Ordered Arbitration in North Carolina," pursuant to G.S. 7A-37.1. The Rules specifically exclude from arbitration certain property disputes, family law matters, estates, special proceedings, collections on an account, and class actions. Parties may, however, voluntarily submit many civil disputes to arbitration, with court approval.

By rule, the arbitration hearing is conducted within 60 days of the filing of the last responsive pleading. Parties may stipulate to an arbitrator; otherwise, the court appoints an arbitrator from its list of trained attorneys who have been approved to serve as arbitrators. An arbitrator is paid a fee by the court for each arbitration hearing.

As a rule, arbitration hearings are limited to one hour, and take place in the courthouse. The hearings are conducted in a serious but relaxed atmosphere, with the rules of evidence serving only as a guide. Once the hearing is concluded, the arbitrator renders an award, which is filed with the court. A party dissatisfied with the award may proceed to a trial *de novo* by filing a written request with the court; otherwise, the court enters judgment on the award.

Family Court

Legislation in 1998 authorized the AOC to experiment with unified family courts. In 1999, Districts 14, 20, and 26 established the first Family Court pilot programs. In 2000, the Family Court program was expanded to Districts 5, 6A, and 12. In 2001, the program was further expanded to Districts 8 and 25. Family Courts coordinate all case management and service agency efforts for a single family in distress to better serve that family and provide more consistent, efficient use of trial court time. One judge hears all matters affecting a family, either with the breakup of a marriage or the filing of a juvenile action. In an effort to improve outcomes for a family, non-trial means of resolving the case, such as mediation, are used to settle these disputes before resorting to an adversarial trial.

Child Custody and Visitation Mediation

In 1983, the North Carolina General Assembly established and funded a child custody and visitation mediation pilot program in Judicial District 26 (Mecklenburg County). That action allowed North Carolina to join a national trend toward providing alternatives to the traditional adversarial system of dispute resolution. Alternatives were considered particularly desirable in custody litigation, where traditional litigation tends to increase stress in children and their parents, slows a post-separation reorganization of the family, and often leads to relitigation. Expansion is planned for the remainder of the state.

When parents separate, tremendous changes occur within the family. Many issues such as custody, visitation, child support, alimony, and division of property must be resolved. At times, the parents who

are in conflict over these matters seek to have the court resolve their disputes.

Mediation is an alternate method of resolving the dispute. As part of the mediation process, a professionally trained neutral third party assists parents in developing an agreement that provides for the care of their children during and after separation. The goal of the process is to provide the litigant a forum to discuss parenting issues that involve both parents in the continuing care of their children. The agreement focuses on the children's needs as well as on the rights and responsibilities of both parents. The mediator will provide a process by which parents may have discussion about how the children will be cared for by each parent in the future.

In counties in which a mediation program operates, in most cases where there is a pending motion or action for child custody or visitation, the petitioners are required to participate in mediation before participating in a traditional hearing or trial. Under G.S. 50-13.1 and G.S. 7A-494, this program provides a forum where parents can step back from their own conflict, focus on the best interests of their children, and structure the parameters for their newly defined family by developing mediated Parenting Agreements.

Family Financial Settlement Program

In 1997, the General Assembly adopted G.S. 7A-38.4 establishing a pilot program for pretrial mediation of equitable distribution and other family financial cases. In 1998, G.S. 7A-38.4 was revised to expand the program beyond mediation to create a dispute resolution menu in pilot districts. The N.C. Supreme Court adopted rules implementing the new pilot on December 30, 1998.

In July 2001, G.S. 7A-38.4A was adopted, authorizing continuation and statewide expansion of the program effective October 1, 2001. The N.C. Supreme Court adopted rules implementing statewide expansion on October 16, 2001. Pursuant to G.S. 7A-38.4A and the Supreme Court rules, the Court may order parties and their counsel to attend a mediated settlement conference or, if the parties agree, another settlement procedure conducted pursuant to the Supreme Court rules. Equitable distribution and all other financial issues existing between the parties may be discussed, negotiated, and decided at the settlement conference or other settlement procedure, including child support, alimony, post-separation support actions and claims arising out of contracts between the parties under G.S. 50-20(d), 52-10, 52-10.1, or 52B.

The Family Financial Settlement Program provides for parties to select their mediator or other neutral. When parties are referred to mediation, they may choose a mediator certified by the N.C. Dispute Resolution Commission or they may nominate a non-certified mediator to conduct their mediation. Currently, the Commission has certified over 200 family financial mediators. If the parties cannot agree on who shall conduct their conference or take no action to select a mediator, a district court judge or his or her designee will appoint a certified mediator to conduct the conference. The mediator is the case manager for purposes of mediation and is responsible for scheduling the mediation conference within the deadline established by the court, finding a location where the conference can take place, and notifying the parties. Conferences are normally held in the courthouse, the office of the mediator or the offices of one of the attorneys.

Mediated Settlement Conferences

In October of 1995, following favorable experience with a pilot program, the General Assembly authorized a statewide program of mediated settlement conferences for superior court civil cases, pursuant to G.S. 7A-38.1. The program has been operating statewide since 1995. In some districts, the senior resident superior court judge refers all eligible cases to mediated settlement, while in other districts, certain case types are exempted. The Supreme Court's "Rules Implementing Mediated Settlement Conferences in Superior Court for Civil Actions" provide for cases to be ordered to mediation as soon as practicable after the time for the filing of answers has expired.

Mediators facilitate settlement discussions between litigating parties in an effort to help them arrive at mutually agreeable solutions to their disputes. They do not make decisions for the parties, but encourage constructive dialogue, suggest options for settlement, and encourage parties to see the dispute from their adversary's perspective. In an effort to foster confidence in the process, the system allows parties to select their mediator; if the parties do not do so, the court appoints the mediator. As of June 2004, over 1,000 mediators were certified in North Carolina to conduct mediated settlement conferences. Mediators are certified and regulated by the North Carolina Dispute Resolution Commission.

Conferences may be held in a courthouse, but are usually conducted in the office of one of the attorneys or in the mediator's office. Conferences are generally

scheduled for a date well in advance of trial, but after a sufficient discovery period. When mediation is successful and the parties reach an agreement, the agreement is reduced to writing at the session and signed by the parties and their counsel. Subsequently, a voluntary dismissal or consent judgment is filed to conclude the litigation.

Mediated settlement conference programs are “user pay” programs. As such, the parties pay for the mediators’ services.

Prelitigation Farm Nuisance Mediation Program

The statewide Prelitigation Farm Nuisance Mediation Program was established by G.S. 7A-38.3 on October 1, 1995. The statute is designed to encourage and promote early resolution of disputes alleging the existence of an agricultural nuisance. Pursuant to G.S. 7A-38.3(a), an agricultural nuisance is defined as farming or livestock raising activity that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property. Most cases mediated pursuant to this statute have involved hog farm operations. The Program operates pursuant to rules adopted by the N.C. Supreme Court.

This program differs from other statewide dispute resolution programs in North Carolina in that it is designed to operate “prelitigation,” that is, before a lawsuit has been filed. In fact, mediation of such disputes is mandatory before a civil action can be brought alleging the existence of a farm nuisance in either superior or district court. In addition, G.S. 7A-38.3(c) provides that any case filed prior to a prelitigation mediation, can be dismissed upon motion of either party.

Drug Treatment Court

Drug Treatment Court (DTC) uses a team of court and community professionals to help ensure that North Carolina’s alcohol and/or drug addicted offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC works with non-violent, repeat offenders who are facing jail or prison time. Family DTC works with parents and guardians who are in danger of losing custody of their children due to abuse or neglect charges. Juvenile DTC works with non-violent, juvenile offenders whose drug and/or alcohol use is negatively impacting their lives at home, in school, and in their community.

The program typically lasts a minimum of one year. Participants appear before a specially trained judge on

a bi-weekly basis. The judge closely monitors the participant’s progress and may order sanctions and/or rewards as appropriate to promote success. There are fifteen adult drug courts in twelve districts (Districts 3B, 5, 9A, 10, 14, 15B, 18, 19B, 21, 25, 26, and 28), five juvenile drug courts (Districts 10, 14, 19C, 21, and 26), and two family dependency drug treatment courts (Districts 14 and 26).

The Administrative Office of the Courts

As part of the unified judicial system, the North Carolina Constitution (Article IV, Section 15) provides for “an administrative office of the courts to carry out the provisions of this Article.” The General Assembly has established the Administrative Office of the Courts (AOC) as the business and administrative arm of the Judicial Branch.

The director of the AOC is appointed by and serves at the pleasure of the chief justice of the North Carolina Supreme Court. The director has the duty to carry out the many functions and responsibilities assigned by statute to the director or to the AOC.

The assistant director of the AOC is also appointed by the chief justice, and serves as the administrative assistant to the chief justice. The duties of the assistant director include assisting the chief justice with assignment of superior court judges, assisting the Supreme Court in preparing calendars of superior court sessions, and performing other duties as assigned by the chief justice or the director of the AOC.

The basic responsibility of the AOC is to maintain an efficient and effective court system by providing administrative support statewide for the courts and for court-related offices. Among the AOC’s specific duties are to establish fiscal policies for and prepare and administer the budget of the Judicial Branch; prescribe uniform administrative and business methods, forms, and records to be used by the clerks of superior court statewide; procure and distribute equipment, books, forms, and supplies for the court system; collect, compile, and publish statistical data and other information on the judicial and financial operations of the courts and related offices; determine the state of the dockets, evaluate the practices and procedures of the courts, and make recommendations for improvement of the operations of the court system; investigate, make recommendations concerning, and provide assistance to county authorities regarding the securing of adequate physical facilities for the courts; administer the payroll and other personnel-related needs of all Judicial Branch employees; administer various court-based programs; arrange for the printing and distribution of the published opinions of

the Supreme Court and Court of Appeals; and perform numerous other duties and responsibilities, including production of the Annual Report.

As of June 30, 2004, the AOC consisted of several areas. Human Resources administers the personnel-related needs of the Judicial Branch. Legal Services includes legal staff, and the Judges' Legal Research Program. Research and Planning provides statistical information, analysis, research, project evaluation, planning and related support for the court system. Court Program Services includes Case Management Services, Custody and Visitation Mediation, Drug Treatment Court, as well as Court Support Services. Technology Services includes Applications Development and Support, Operations Support, Technology Support Services, and Planning and Decision Support. Financial Services includes Fiscal Operations, Budget Management, and Field Accounting and Support. Purchasing Services includes Printing Services, Purchasing Services, and Warehouse and Mail Services. AOC also includes the Office of the Director, the Office of the Assistant AOC Director, the Office of the Senior Deputy Director, Special Projects and Grants, and Guardian ad Litem.

Office of Guardian ad Litem Services

The Office of Guardian ad Litem Services was established by the General Assembly in 1983 to administer the Guardian ad Litem Services Program throughout the state. When a petition alleging abuse or neglect of a juvenile is filed in district court, the judge appoints a trained volunteer guardian ad litem and an attorney advocate to work together to represent the child's best interests. When a juvenile is alleged to be dependent, guardian ad litem services may be extended at the discretion of the trial judge. Upon appointment, a trained GAL volunteer investigates the child's situation and works with the attorney advocate to represent the child's needs, preferences or wishes and best interests in court and to make recommendations for case disposition and any necessary continuing supervision until court intervention is no longer required. In addition, the attorney protects the child's legal rights throughout the proceedings.

The Guardian ad Litem Services Administrator is responsible for planning and directing the program statewide. The AOC Director appoints the Administrator as well as an advisory committee that works with the Administrator. An assistant administrator manages the operation of the program and supervises special projects and initiatives. Three regional administrators direct the development and implementation of services for a group of districts, provide assistance in

training programs for volunteers, and resolve operational problems in the districts. At the local level, district administrators recruit, screen, train, and supervise volunteers within their district court districts. They also contact community groups, local agencies, the courts, and the media in order to develop volunteer participation, solicit support from key officials, provide public education about the program, and cultivate services for children. The district administrators plan an initial minimum twenty-five hour training course for new volunteers; match children before the court with volunteers; implement continued training for experienced guardians; and provide supervision, consultation, and support to volunteers. They also ensure that attorney advocates receive information from the volunteers assigned to the cases and that the court receives timely oral or written reports each time a child's case is heard.

During FY 2003-04, a total of 3,890 volunteers and 101 attorney advocates represented 15,658 abused and neglected children in 26,392 court hearings. Volunteers gave the state 746,880 hours in training and casework, a value of over \$11.98 million. (This figure is based upon the Independent Sector's calculation of volunteer value at \$16.05 per hour). The GAL staff, volunteers and attorneys also participated in an increasing number of court-of-court sessions – Day One Hearings, mediation sessions, family court, court improvement projects, and the new drug treatment courts. There has been a dramatic decrease in the appeals of abuse and neglect proceedings, and the GAL program is collaborating with the court system and other agencies to expedite appeals and to reduce the costly time delay for families and children. Total expenditures in FY 2003-04 amounted to \$7,188,333 for program attorney fees and administration.

Judicial Branch Commissions

The Judicial Standards Commission

The Judicial Standards Commission was established by the General Assembly pursuant to a constitutional amendment approved by the voters at the general election in November 1972. It exists as the appropriate agency for the investigation of complaints "concerning the qualifications or conduct of any justice or judge of the General Court of Justice" [G.S. 7A-377(a)].

The seven-member Commission consists of three judges (one each from the Court of Appeals, the Superior Court Division, and the District Court Division appointed by the chief justice), two attorneys (elected by the State Bar Council), and two private citizens

(appointed by the Governor). The Commission receives and investigates complaints of judicial misconduct or incapacity, institutes formal proceedings, conducts hearings, and recommends appropriate disciplinary action to the Supreme Court (or the Court of Appeals, when the complaint involves a Supreme Court Justice). Upon recommendation of the Commission, the Supreme Court may censure or remove any judge for willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude, or other conduct that brings the judicial office into disrepute. In addition, upon the Commission's recommendation, the Supreme Court may remove any judge for mental or physical incapacity interfering with the performance of duties, when the incapacity is, or is likely to become, permanent.

The Commission prepares an annual report that provides further information on the organization, purpose, and rules of the Commission, as well as its activities during the calendar year.

The Sentencing and Policy Advisory Commission

The North Carolina Sentencing and Policy Advisory Commission consists of 30 members drawn from all three branches of government, from all areas of the criminal justice system, and from the public. The Commission was created by the General Assembly in 1990 to "... make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals" (G.S. 164-36). Specifically, the Commission was directed to (1) classify criminal offenses into felony and misdemeanor categories on the basis of their severity, (2) recommend structures for use by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, (3) develop a correctional population simulation model, (4) recommend a comprehensive community corrections strategy and organizational structure for the state, and (5) study and make additional policy recommendations. The Commission's work led to the passage and implementation of the Structured Sentencing Act, which was enacted during 1993 and modified during the extra ("crime") session of 1994. The Act applies to crimes committed on or after October 1, 1994. This sentencing system prescribes sentencing options for the court based on the severity of the offense and the prior record of the offender.

The Commission has the continuing duty to monitor and review the criminal justice and correctional systems and the juvenile justice system, and to make

recommendations as necessary. In 2004, the Commission released the legislatively mandated Recidivism Report on offenders placed on probation or released from prison in FY 1998-99 using a 4-year follow up period. In addition, the Commission released the Juvenile-to Adult Comprehensive Criminal History Study tracking a sample of juveniles into the adult criminal system. The Commission submitted proposals to the General Assembly to change the post-release supervision system. The Commission was also involved in the study of a number of criminal justice issues, including methamphetamine laws and domestic violence offenses.

The Commission prepared projections for future adult prison and probation populations and juvenile youth development center and probation populations, and assisted the General Assembly in preparing fiscal notes for proposed legislation.

The N.C. Dispute Resolution Commission

The chief justice of the N.C. Supreme Court, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the President of the N.C. State Bar appoint the 14-member Commission. The appointees are five judges (at least two superior court judges and two district court judges), two practicing attorneys not certified as mediators, two certified superior court mediators, two family financial mediators and three citizens knowledgeable about mediation. Appointments are for a three-year term.

The Dispute Resolution Commission was established by G.S. 7A-38.2 in October of 1995 and charged principally with certifying and regulating the conduct of mediators serving the statewide Mediated Settlement Conference Program. To date, the Commission has certified nearly 1,000 superior court mediators and distributes lists of certified mediators to court personnel and upon request, to law firms and litigants.

Adopted in October of 1999, G.S. 7A-38.4 provided for the establishment of a new pilot program for the mediation of equitable distribution, alimony, child support, and post-separation support actions. Under that legislation, the Commission was charged with certifying and regulating the conduct of mediators who would serve the new pilot. In October of 2001, that program was approved for statewide expansion and the Commission has now certified some 150 family financial mediators. In addition to certifying mediators, the Commission certifies mediation-training programs.

The N.C. Supreme Court has adopted Standards of Professional Conduct for Mediators upon the recommendation of the Commission. The Commission has, in turn, adopted complaint and hearing procedures to implement those standards. The Commission focuses its efforts on being a pro-active regulator and working to educate mediators and encourage them to conform their conduct to the Standards. The Commission advises mediators of rule revisions through direct mailings and apprises them of other developments through its newsletter, *The Intermediary*, and web sites. The Commission has also adopted an Advisory Opinions Policy to provide a framework within which mediators may ask for guidance from the Commission when confronted with ethical or other dilemmas.

Historically, the Commission made recommendations on dispute resolution policy, program rules and rule revisions directly to the Supreme Court. In 2000, the State Judicial Council established an Alternative Dispute Resolution (ADR) Committee and specifically charged the Committee with recommending policy on dispute resolution to the Judicial Council. The Commission now submits proposed rules and rule revisions through the ADR Committee.

Upon request, the Commission also provides advice and support to state agencies in the process of establishing dispute resolution programs or offering dispute resolution services. The Industrial Commission, the Office of Administrative Hearings, and the federal middle and western districts use the list of certified superior court mediators maintained by the Commission.

G.S. 7A-38.2(d) provides for the Commission to levy a fee of up to \$200.00 for certification and annual renewal of superior court certifications. G.S. 7A-38.4A(l) provides for an identical fee to be levied in connection with family financial certifications and renewal of such certifications. Expenditures of the Commission and its office are paid out of revenues collected for certification fees.

The Courts Commission

The 28-member Courts Commission consists of court officials, attorneys, legislators, and the public. It exists to study the structure, organization, jurisdiction, procedures, and personnel within the North Carolina court system and to recommend to the General Assembly any changes that will facilitate the administration of justice.

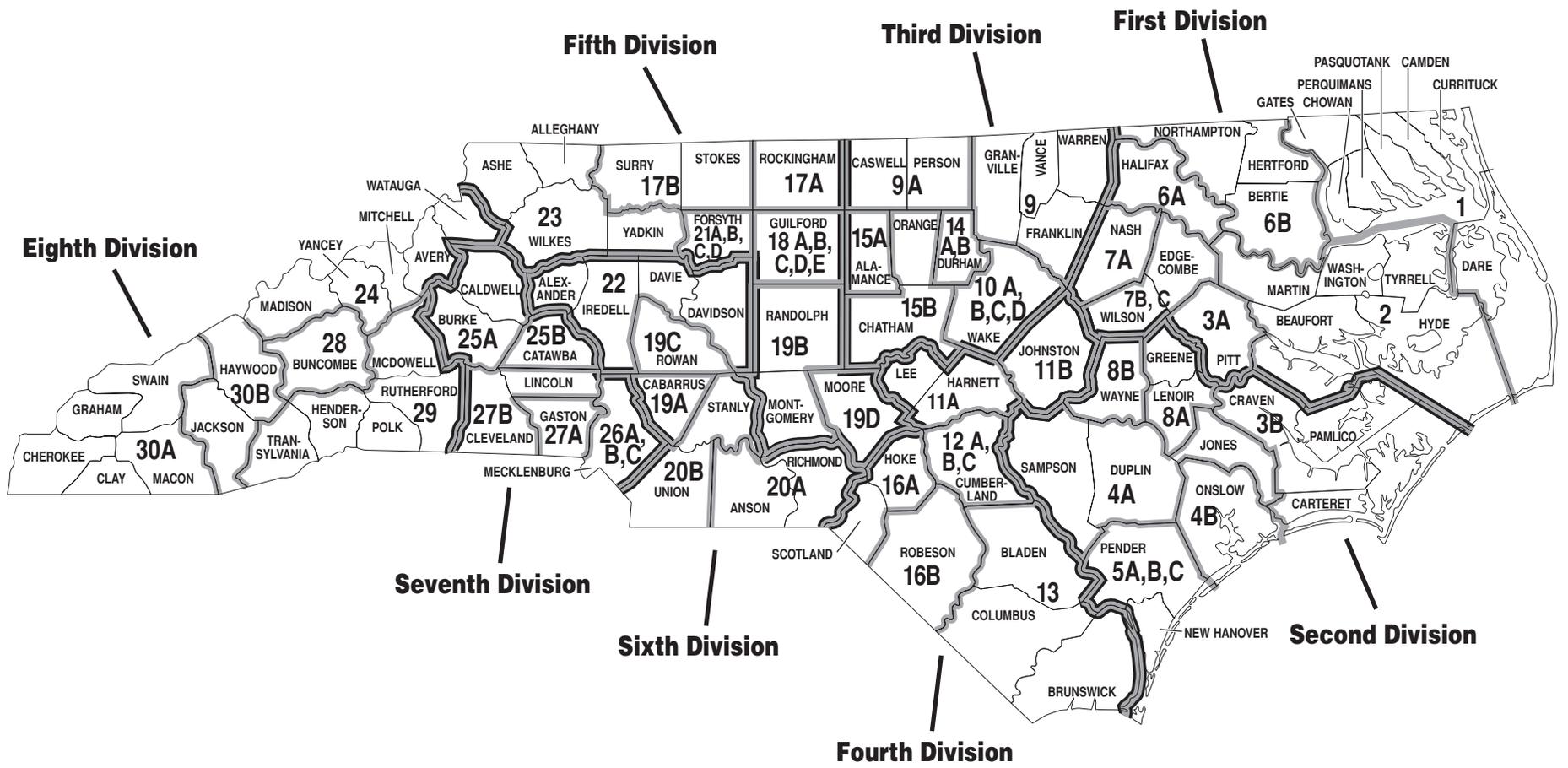
JUDICIAL BRANCH PERSONNEL
(Positions Authorized as of June 30, 2004)

**Positions
Authorized**

	<u>SUPREME COURT</u>
7	Justices
41	Staff Personnel (Clerk's & Reporter's Offices, Law Clerks, Library)
7	Secretarial Personnel
	<u>COURT OF APPEALS</u>
15	Judges
51	Staff Personnel (Clerk's Office, Prehearing, Judicial Standards Commission, Law Clerks)
16	Secretarial Personnel
	<u>SUPERIOR COURT</u>
106	Judges
142	Staff Personnel
83	Secretarial Personnel
	<u>DISTRICT COURT</u>
235	Judges
716	Magistrates
66	Staff Personnel
93	Secretarial Personnel
	<u>DISTRICT ATTORNEYS</u>
39	District Attorneys
439	Assistant District Attorneys*
42	Staff Personnel (Investigators, District Attorney's Conference)
456	Secretarial Personnel (Victim-Witness/Legal Assistants, other secretarial positions)
	<u>CLERKS OF SUPERIOR COURT</u>
100	Clerks of Superior Court
2,259	Staff Personnel
	<u>INDIGENT REPRESENTATION</u>
7	Indigent Defense Services
1	Appellate Defender
10	Assistant Appellate Defenders
2	Secretarial Personnel
1	Capital Defender
8	Assistant Capital Defenders
4	Capital Case Investigator
2	Secretarial Personnel
12	Public Defenders
143	Assistant Public Defenders
31	Staff Personnel
56	Secretarial Personnel
7	Special Counsel at mental health hospitals
4	Assistants to Special Counsel
4	Secretarial Personnel
18	Sentencing Services
1	Set-off Debt Collection (Receipt Funded)
2	Guardian ad Litem. Program Administrator and Assistant Administrator
38	Regional Administrators (3) and District Administrators (35)
92	Staff Personnel
	<u>ADMINISTRATIVE OFFICE OF THE COURTS</u>
1	Administrative Officer of the Courts
6	Assistant Director (1), Deputy Director (1), and Officers (4)
284	Staff Personnel
5,647	TOTAL

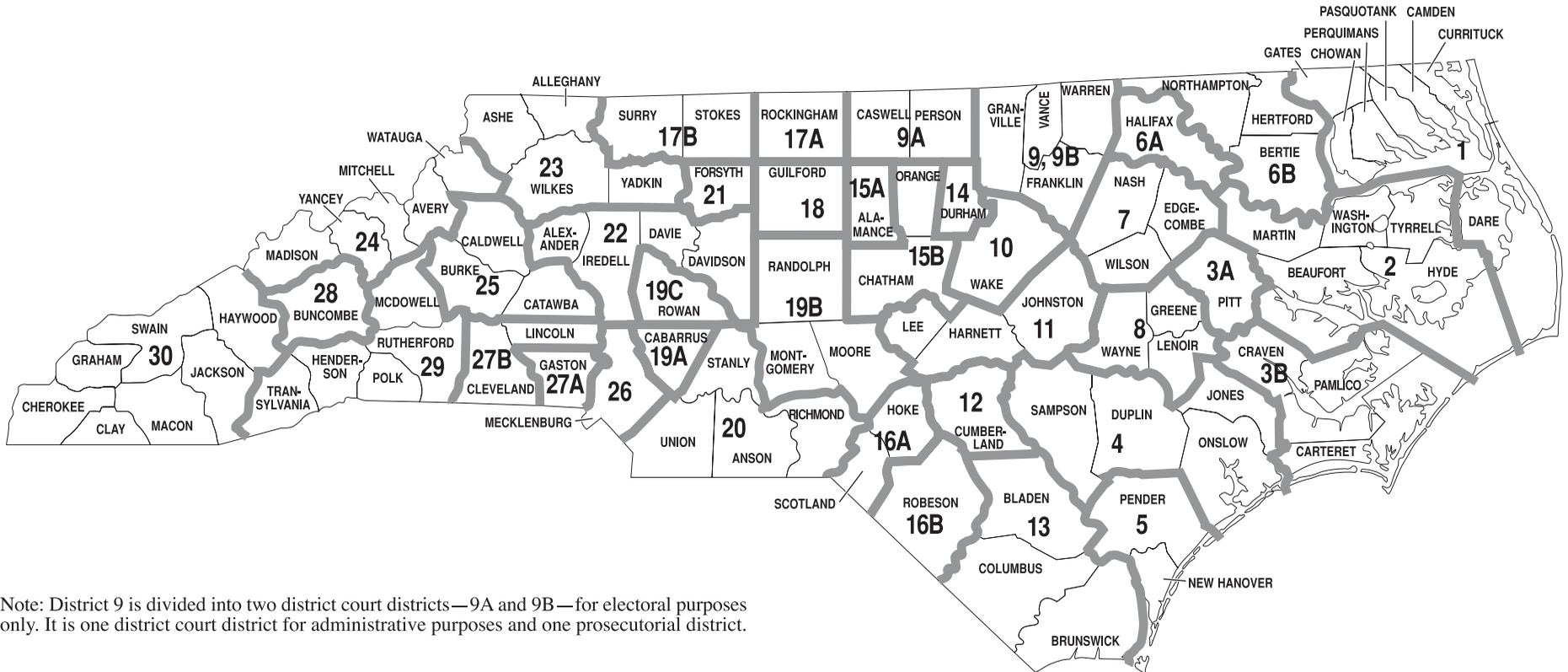
*Of the 439 assistant district attorney positions, 435 were authorized under G.S. 7A-60(a1) and 4 were time-limited or grant-funded positions.

North Carolina Superior Court Districts and Divisions as of June 30, 2004



North Carolina District Court Districts

as of June 30, 2004



Note: District 9 is divided into two district court districts—9A and 9B—for electoral purposes only. It is one district court district for administrative purposes and one prosecutorial district.

PART II

COURT RESOURCES

JUDICIAL BRANCH APPROPRIATIONS AND EXPENDITURES

Under the State Constitution, the operating expenses of the Judicial Branch, “other than compensation to process servers and other locally paid non-judicial officers,” are required to be paid from State funds. It is customary legislative practice for the General Assembly to include appropriations for the operating expenses of all three branches of State government in a single budget bill, for a two-year period ending on June 30 of the odd-numbered years. The budget for the second year of the biennium is generally modified during the even-year legislative sessions.

Facilities for the appellate courts are provided by State funds, but, by statute, the county governments are required to use county funds to provide adequate facilities for the trial courts within each of the 100 counties.

The table immediately below shows appropriations from the State’s General Fund for operating expenses of the Judicial Branch as well as all State agencies combined over the past ten fiscal years. The second table shows expenditures for operating expenses of the Judicial Branch during the same period.

APPROPRIATIONS FROM GENERAL FUND FOR OPERATING EXPENSES

Fiscal Year	Judicial Branch		All State Agencies		Judicial Branch % Share
	Appropriation	% Change over previous year	Appropriation	% Change over previous year	
1994-95	\$281,795,444	6.13%	\$9,543,224,292	8.81%	2.95%
1995-96	\$284,970,016	1.13%	\$9,649,888,683	1.12%	2.95%
1996-97	\$301,483,920	5.79%	\$10,304,313,382	6.78%	2.93%
1997-98	\$333,692,036	10.68%	\$11,125,476,849	7.97%	3.00%
1998-99	\$328,814,509	-1.46%	\$12,562,764,003	12.92%	2.62%
1999-00	\$348,540,925	6.00%	\$13,248,585,656	5.46%	2.63%
2000-01	\$381,022,977	9.32%	\$13,545,142,760	2.24%	2.81%
2001-02	\$378,310,998	-0.71%	\$13,688,999,020	1.06%	2.76%
2002-03	\$373,654,672	-1.23%	\$13,824,364,492	0.99%	2.70%
2003-04*	\$382,898,246	2.47%	\$14,676,583,520	6.16%	2.61%

AVERAGE ANNUAL INCREASE, 1995-2004

3.81%

5.35%

JUDICIAL BRANCH EXPENDITURES

Fiscal Year	Expenditures	% Increase over previous year
1994-95	\$285,655,811	6.59%
1995-96	\$291,999,600	2.22%
1996-97	\$309,534,868	6.01%
1997-98	\$345,547,018	11.63%
1998-99	\$346,597,796	0.30%
1999-00	\$367,389,082	6.00%
2000-01	\$397,425,866	8.18%
2001-02	\$385,299,942	-3.05%
2002-03	\$385,216,290	-0.02%
2003-04	\$401,891,462	4.33%

JUDICIAL BRANCH EXPENDITURES
July 1, 2003 – June 30, 2004

Budget Classifications	Subtotals	Totals	Percent* of Grand Total
Supreme Court (includes \$541,289 for print shop)		\$ 4,507,687	1.12%
Court of Appeals		6,015,217	1.50%
Superior Courts		30,404,230	7.57%
District Courts		66,801,363	16.62%
Clerks of Superior Court		102,133,246	25.41%
District Attorney Offices		56,742,420	14.12%
Office -- District Attorney	\$55,395,350		
District Attorneys' Conference	239,953		
Criminal Case Management Program	365,303		
Worthless Check Program	741,814		
Administrative Office of the Courts		28,160,460	7.01%
Court Information Technology Fund		1,841,272	0.46%
Equipment/Supply Fund		1,495,746	0.37%
Dispute Resolution Programs		3,660,106	0.91%
Custody and Visitation Mediation Program	1,410,410		
Mediated Settlement Conferences	128,097		
Dispute Settlement Centers	1,448,067		
Court-Ordered Arbitration Program	673,532		
North Carolina Drug Treatment Court		822,461	0.21%
Family Court Program		1,436,229	0.36%
Grant-Supported Projects		9,025,383	2.25%
Judicial Standards Commission		112,728	0.03%
Sentencing and Policy Advisory Commission		549,588	0.14%
Guardian ad Litem Services Program		7,188,333	1.79%
	SUBTOTAL	\$320,896,469	79.85%
Representation of Indigents		80,404,993	20.01%
Assigned Private Counsel (includes \$188,468) for guardians ad litem for juveniles)	50,941,867		
Private Counsel Contracts	718,061		
Public Defenders	15,987,985		
Support Services (expert witness fees, professional examinations, transcripts, investigators)	5,519,616		
Appellate Defender Services	1,048,528		
Special Counsel at Mental Health Hospitals	845,239		
Office of Indigent Defense Services	580,360		
Capital Case Program	1,115,204		
Set-Off Debt Collection	68,900		
Sentencing Services Program	3,579,233		
NC State Bar -- Civil Justice Act		590,000	0.15%
	GRAND TOTAL	\$401,891,462	100%

*rounded

JUDICIAL BRANCH RECEIPTS

The State Constitution requires that all fines, penalties, and forfeitures collected by the courts in criminal cases be distributed to the respective counties in which the cases are tried, to be used for the support of the public schools.

G.S. 7A-304 *et seq.* establish a uniform schedule of civil and criminal court costs, comprising a variety of fees, and prescribe the distribution of these fees. Except for certain fees that are devoted to specific uses, all superior and district court costs collected by the Judicial Branch are paid into the State's General Fund, as are appellate court fees and proceeds from the sales of appellate division reports. When costs are assessed, a facilities fee, which must be used to provide and maintain courtrooms and related judicial facilities, is included and is paid over to the respective county or municipality whose facilities were used. An officer fee for arrest or service of process is included, where applicable, in the cost of each case filed in the trial courts, and is paid over to either the municipality whose officer performed these services or to the county in which the case was filed. A jail fee, assessed where applicable, is distributed to the county or municipality that provided the facility. Most jail facilities in the State are provided by the counties. The county also receives fees paid by convicted defendants when they are released to the supervision of an agency providing pretrial release services in the county. Half of the proceeds from the pretrial civil revocation fee, which driving-while-impaired offenders must pay to recover their drivers licenses, is distributed to the counties and the remaining half is credited to the General Fund to be used for a statewide chemical alcohol testing program. Criminal court costs include a fee for the Law Enforcement Officers' Benefit and Retirement Fund; these fees are remitted to the State Treasurer for deposit into this Fund.

When private counsel or a public defender is assigned to represent an indigent defendant in a criminal case, the Office of Indigent Defense Services or the judge sets the money value for the services rendered. If the defendant is convicted, a judgment lien may be entered against him/her for such amount. The department retains collections on these judgments to defray the costs of legal representation of indigents.

The first table below shows Judicial Branch receipts for the last ten years, and the second table gives the sources and distribution of such receipts for the current fiscal year. Note that municipalities as well as counties are shown as receiving judicial facilities fees, officer fees, and jail fees, as discussed above, and that proceeds of the pretrial civil revocation fee are split between the State Treasurer and the counties.

JUDICIAL BRANCH RECEIPTS: 1994-95 – 2003-04			
Fiscal Year	Receipts	Fiscal Year	Receipts
1994-95	\$171,426,049	1999-00	\$226,239,216
1995-96	\$177,100,905	2000-01	\$238,381,276
1996-97	\$199,164,234	2001-02	\$244,345,855
1997-98	\$218,978,365	2002-03	\$253,529,253
1998-99	\$242,693,163	2003-04	\$284,465,419

JUDICIAL BRANCH RECEIPTS: July 1, 2003 – June 30, 2004

Remitted to State Treasurer		
Supreme Court Fees	\$ 8,322	0.003%
Court of Appeals Fees	24,727	0.009%
Sales of Appellate Division Reports	123,467	0.043%
Arbitration Appeal Filing Fees	105,289	0.037%
LEOB Fees	7,811,824	2.746%
Twenty-Day Failure Fees	6,949,220	2.443%
Pretrial Civil Revocation Fees	1,040,119	0.366%
General Court of Justice Fees	131,822,509	46.340%
Total to State Treasurer	147,885,477	51.987%
Distributed to Counties		
Fines and Forfeitures	83,727,671	29.433%
Judicial Facilities Fees	20,081,179	7.059%
Officer Fees	4,888,916	1.719%
Jail Fees	4,179,822	1.469%
Pretrial Civil Revocation Fees	1,128,096	0.397%
Total to Counties	114,005,684	40.077%
Distributed to Municipalities		
Judicial Facilities Fees	607,155	0.213%
Officer Fees	2,661,666	0.936%
Jail Fees	10,797	0.004%
Total to Municipalities	3,279,618	1.153%
Operating Receipts		
Collection on Indigent Representation Judgments	6,688,813	2.351%
Indigent Representation Appointment Fees	366,924	0.129%
Department of Crime Control & Public Safety Grants	5,320,116	1.870%
Other Grants	2,860,478	1.006%
Miscellaneous Operating Receipts	496,204	0.174%
Worthless Check Fees & Interest	1,051,448	0.370%
Court Information Technology Fees & Interest	2,022,809	0.711%
Appellate Court Printing and Computer Operations	487,848	0.171%
Total Operating Receipts	19,294,640	6.783%
GRAND TOTAL	\$284,465,419	100%

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and
Distributed to Counties and Municipalities ***

July 1, 2003 – June 30, 2004

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Alamance	\$367,416	\$88,608	\$129,666	\$1,641,759	\$0	\$55,677	\$5	\$2,283,131
Alexander	52,784	16,713	12,216	296,404	0	5,562	126	383,805
Alleghany	22,642	9,282	18,221	172,309	0	751	18	223,223
Anson	61,361	17,165	17,548	361,430	0	2,196	0	459,700
Ashe	36,897	13,751	7,082	118,017	0	1,782	0	177,529
Avery	39,254	10,291	18,711	159,153	0	3,461	0	230,870
Beaufort	140,671	49,837	43,978	509,927	0	16,330	0	760,743
Bertie	53,336	19,841	21,606	140,685	0	1,998	0	237,466
Bladen	104,546	40,577	21,055	297,463	0	3,492	0	467,133
Brunswick	142,692	61,514	56,741	503,551	0	1,674	0	766,172
Buncombe	414,646	112,516	111,430	1,706,329	210	47,171	0	2,392,302
Burke	212,388	52,249	60,287	721,506	0	18,915	0	1,065,345
Cabarrus	451,824	105,321	134,325	2,702,338	0	95,526	0	3,489,334
Caldwell	159,168	33,033	60,649	483,479	0	22,282	0	758,611
Camden	30,754	15,340	6,496	138,834	0	0	0	191,424
Carteret	198,658	47,788	72,979	849,247	0	24,901	815	1,194,388
Caswell	44,092	17,860	12,567	399,549	42	758	0	474,868
Catawba	236,105	53,239	61,803	1,803,554	134,168	67,361	0	2,356,230
Chatham	90,561	50,545	14,867	506,726	66,245	9,912	5	738,861
Cherokee	51,314	18,707	29,698	228,483	0	1,064	0	329,266
Chowan	33,520	11,850	10,877	140,124	0	4,979	0	201,350
Clay	15,810	6,308	8,762	54,904	0	0	0	85,784
Cleveland	214,102	69,238	93,161	685,664	10	16,539	0	1,078,714
Columbus	132,211	53,769	57,288	284,199	2,697	6,804	126	537,094
Craven	231,657	37,870	77,808	721,147	11,652	44,432	306	1,124,872
Cumberland	461,513	45,191	71,647	1,384,796	0	43,707	54	2,006,908
Currituck	85,010	36,937	13,493	410,843	0	0	0	546,283
Dare	229,642	33,229	9,411	1,360,604	2,041	36,300	435	1,671,662
Davidson	307,012	92,222	93,227	1,671,788	92	25,422	35	2,189,798
Davie	75,539	27,161	18,304	229,750	0	3,563	0	354,317
Duplin	142,722	39,640	60,066	546,826	0	8,677	0	797,931
Durham	574,417	121,121	7,332	2,688,477	20	96,997	0	3,488,364
Edgecombe	123,991	59,787	53,595	710,391	60,822	22,037	0	1,030,623
Forsyth	798,926	52,804	50,754	3,787,744	17,575	160,588	256	4,868,647
Franklin	133,489	40,760	25,236	478,322	0	5,443	0	683,250
Gaston	473,440	141,393	61,643	1,681,407	60	51,459	0	2,409,402
Gates	27,762	12,453	12,250	118,193	0	5	116	170,779
Graham	11,239	4,640	5,673	65,725	0	70	180	87,527
Granville	140,336	37,695	22,732	649,683	0	10,051	0	860,497
Greene	58,220	23,818	12,724	247,741	0	0	0	342,503
Guilford	1,093,457	90,365	86,612	3,156,542	16	196,516	0	4,623,508
Halifax	158,060	58,717	33,240	820,834	0	17,215	5	1,088,071
Harnett	161,457	49,031	54,954	639,267	10,301	15,563	64	930,637
Haywood	149,310	55,081	426	540,095	874	6,283	76	752,145
Henderson	180,343	39,530	49,734	1,076,395	0	16,323	36	1,362,361
Hertford	65,825	21,376	28,745	183,999	0	5,333	13	305,291
Hoke	66,530	25,504	24,277	347,535	0	2,101	0	465,947
Hyde	18,500	7,190	9,252	71,572	0	0	0	106,514
Iredell	288,646	79,529	68,482	2,112,851	44,118	63,384	1,819	2,658,829
Jackson	67,414	25,781	13,046	268,581	0	3,583	0	378,405
Johnston	223,089	70,770	62,503	1,185,827	30,631	23,771	0	1,596,591
Jones	58,580	20,802	8,938	139,506	0	3,435	0	231,261
Lee	123,249	33,955	53,539	1,010,693	0	20,741	0	1,242,177
Lenoir	193,903	46,982	44,858	828,296	0	22,618	0	1,136,657
Lincoln	104,307	34,926	44,692	474,765	0	4,872	126	663,688

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and
Distributed to Counties and Municipalities *
July 1, 2003 – June 30, 2004**

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Macon	\$52,540	\$17,370	\$13,007	\$218,683	\$0	\$1,691	\$0	\$303,291
Madison	77,088	30,684	6,243	366,854	0	2,085	0	482,954
Martin	100,913	32,262	13,115	278,486	126	5,871	0	430,773
McDowell	129,086	46,022	30,187	401,464	0	9,125	0	615,884
Mecklenburg	1,970,826	407,112	16,682	4,337,412	18	310,627	0	7,042,677
Mitchell	30,546	9,051	6,279	112,909	0	1,829	139	160,753
Montgomery	73,935	31,361	29,928	596,477	0	3,899	0	735,600
Moore	170,526	34,892	54,421	825,611	672	33,723	0	1,119,845
Nash	193,891	103,043	63,576	1,291,887	108,042	33,803	15	1,794,257
New Hanover	494,817	58,733	121,097	1,951,064	20	88,295	0	2,714,026
Northampton	56,506	26,474	9,921	179,349	0	3,150	0	275,400
Onslow	384,061	127,109	259,503	998,447	1	47,759	161	1,817,041
Orange	184,243	48,183	1,161	831,175	21,321	20,512	5	1,106,600
Pamlico	20,076	5,866	12,013	60,404	0	55	0	98,414
Pasquotank	105,160	29,972	47,990	500,340	12	20,049	0	703,523
Pender	124,110	47,444	33,333	457,686	0	2,984	126	665,683
Perquimans	39,222	14,725	8,870	121,848	0	2,936	0	187,601
Person	105,181	40,630	6,185	408,041	0	8,425	0	568,462
Pitt	361,640	54,145	130,696	1,475,280	25,243	63,182	68	2,110,254
Polk	52,615	17,004	13,952	289,024	0	2,617	0	375,212
Randolph	246,674	66,540	115,171	1,418,547	0	28,960	0	1,875,892
Richmond	124,538	25,606	40,974	767,471	0	8,763	20	967,372
Robeson	287,520	100,846	37,901	1,538,994	51,470	42,569	0	2,059,300
Rockingham	211,489	49,771	52,219	671,163	240	19,588	0	1,004,470
Rowan	303,825	96,437	97,095	1,519,455	0	54,474	15	2,071,301
Rutherford	167,190	54,780	92,079	610,919	0	13,565	0	938,533
Sampson	181,043	53,937	51,664	650,432	0	12,955	2,662	952,693
Scotland	113,651	34,573	29,186	570,556	900	10,791	0	759,657
Stanly	152,973	26,489	35,181	684,931	300	20,545	5	920,424
Stokes	89,186	29,674	49,395	352,248	0	5,023	0	525,526
Surry	160,224	64,115	61,755	701,798	0	18,939	0	1,006,831
Swain	36,708	13,232	12,172	170,649	0	1,701	0	234,462
Transylvania	64,439	17,548	23,567	276,108	75	7,943	822	390,502
Tyrrell	44,821	19,823	7,875	155,303	0	0	0	227,822
Union	258,048	72,643	24,019	1,726,445	0	42,183	0	2,123,338
Vance	184,589	48,365	36,475	725,298	0	12,056	0	1,006,783
Wake	1,585,583	149,993	43,710	6,670,255	11,978	276,868	608	8,738,995
Warren	69,698	27,802	14,750	279,823	10	463	5	392,551
Washington	46,185	18,216	7,715	162,018	0	3,725	1,010	238,869
Watauga	141,210	37,053	41,824	497,594	0	23,924	0	741,605
Wayne	286,950	101,598	75,551	1,394,016	5,142	35,757	5	1,899,019
Wilkes	138,193	41,190	27,908	530,825	0	5,182	414	743,712
Wilson	226,832	79,322	19,292	873,566	0	27,791	100	1,226,903
Yadkin	69,512	27,308	42,978	460,001	0	3,622	0	603,421
Yancey	28,780	8,369	0	100,988	12	2,040	0	140,189
State Totals**	\$20,081,179	\$4,888,916	\$4,179,822	\$83,727,671	\$607,155	\$2,661,666	\$10,797	\$116,157,206

*Facility and jail fees are distributed to the respective counties and municipalities that furnished the facilities. If the officer who made the arrest or served the process was employed by a municipality, the officer fee is distributed to the municipality; otherwise all officer fees are distributed to the respective counties. By provision of the State Constitution, fines and forfeitures collected by the courts within a county are distributed to that county for support of the public schools.

**State totals may not equal the sum of county data due to rounding.

COST AND CASE DATA ON REPRESENTATION OF INDIGENTS

July 1, 2003 – June 30, 2004

	Number of Cases*	Total Cost	Average Per Case
Assigned Private Counsel			
Capital offense cases	1,221	\$10,600,130	\$8,682
Adult cases (other than capital)	129,170	37,678,748	292
Juvenile cases	13,868	2,474,521	178
Guardian ad Litem for juveniles	572	188,468	329
Totals	144,831	50,941,867	352
Private Counsel Contracts		718,061	
Public Defender Offices			
District 3A	2,235	831,080	372
District 3B (Carteret County)	679	234,202	345
District 12	4,250	1,392,706	328
District 14	7,934	1,553,424	196
District 15B	2,727	775,624	284
District 16A	1,992	586,001	294
District 16B	3,223	955,679	297
District 18	8,133	2,065,124	254
District 21	5,460	1,277,667	234
District 26	17,964	4,076,685	227
District 27A	7,568	1,187,060	157
District 28	4,542	1,052,733	232
Totals	66,707	15,987,985	240
Office of the Appellate Defender		1,048,528	
Special Counsel at State Mental Health Hospitals		845,239	
Support Services			
Transcripts, records, and briefs		778,134	
Professional examinations		548	
Expert witness fees		3,009,273	
Investigator fees		1,731,661	
Total		5,519,616	
Set-Off Debt Collection		68,900	
Indigent Defense Services		580,360	
Capital Case Program		1,115,204	
TOTAL INDIGENT DEFENSE SERVICES		\$76,825,760	
Sentencing Services Program		\$3,579,233	
GRAND TOTAL		\$80,404,993	

* The number of "cases" shown for private assigned counsel is the number of payments (checks) made by the Administrative Office of the Courts for appointed attorneys. For public defender offices, the number of "cases" is the number of indigent whose cases were disposed of by public defenders during the 2003-04 year.

STATE MENTAL HEALTH HOSPITAL COMMITMENT HEARINGS

July 1, 2003 – June 30, 2004

During 2003-04, the average cost per commitment hearing for representation by special counsel at the state's four mental health hospitals was \$40.81 (total cost of \$845,239 for 20,710 hearings).

The criteria and procedures for commitment to or discharge from a mental health hospital differ depending on whether the person is a minor or an adult, the reason for the commitment, and who is requesting the commitment. The applicable statutes should be consulted for further details.

	Broughton	Cherry	Dorothea Dix*	John Umstead	Totals
Voluntary minors: Mentally ill or substance abusers (G.S.122C,Art.5,Pt.3)					
Total Hearings	137	121	990	213	1,461
Commitment to hospital	89	2	236	178	505
Dismissal/discharge	48	119	754	35	956
Of total, number that were:					
Initial hearings	108	121	873	90	1,192
Contested hearings	2	0	7	23	32
Voluntary incompetent adults: Mentally ill or substance abusers (G.S.122C,Art.5,Pt.4)					
Total Hearings	218	15	137	1	371
Commitment to hospital	191	14	122	1	328
Dismissal/discharge	27	1	15	0	43
Of total, number that were:					
Initial hearings	114	1	53	0	168
Contested hearings	11	0	20	0	31
Involuntary minors and adults: Mentally ill or mentally retarded with behavior disorder (G.S.122C,Art.5,Pt.7)					
Total Hearings	3,167	3,482	4,978	4,920	16,547
Commitment to hospital	446	772	527	1,517	3,262
Commitment to outpatient clinic	621	988	429	628	2,666
Split commitment	1,017	870	527	1,178	3,592
Dismissal/discharge	1,083	852	3,495	1,597	7,027
Of total, number that were:					
Initial hearings	2,950	2,907	4,598	3,874	14,329
Contested hearings	132	217	131	586	1,066
Involuntary minors and adults: Substance abusers (G.S.122C,Art.5,Pt.8)					
Total Hearings	151	597	281	1,302	2,331
Commitment to area authority	151	597	201	1,203	2,152
Dismissal/discharge	0	0	80	99	179
Of total, number that were:					
Initial hearings	151	596	280	1,297	2,324
Contested hearings	0	12	0	28	40
Total Hearings	3,673	4,215	6,386	6,436	20,710
Of total, number that were:					
Initial hearings	3,323	3,625	5,804	5,261	18,013
Contested hearings	145	229	158	637	1,169

*Dorothea Dix hospital hearing data has included the addition of Holly Hill cases since March 2003.

ASSIGNED PRIVATE COUNSEL*

Cases and Expenditures

July 1, 2003 – June 30, 2004

	Number of Cases	Expenditures
<i><u>District 1</u></i>		
Camden	66	\$ 36,243
Chowan	163	49,319
Currituck	248	54,340
Dare	429	147,021
Gates	71	46,731
Pasquotank	512	169,881
Perquimans	94	33,396
District Totals	1,583	536,931
<i><u>District 2</u></i>		
Beaufort	1,018	307,075
Hyde	66	22,003
Martin	406	105,706
Tyrrell	115	30,959
Washington	167	43,836
District Totals	1,772	509,579
<i><u>District 3A</u></i>		
Pitt	2,181	902,992
District Totals	2,181	902,992
<i><u>District 3B</u></i>		
Carteret	1,054	335,581
Craven	590	279,117
Pamlico	107	41,888
District Totals	1,751	656,586
<i><u>District 4A</u></i>		
Duplin	837	293,883
Jones	151	45,893
Sampson	1,033	393,179
District Totals	2,021	732,955
<i><u>District 4B</u></i>		
Onslow	2,746	991,708
District Totals	2,746	991,708
<i><u>District 5</u></i>		
New Hanover	5,927	1,957,670
Pender	752	263,838
District Totals	6,679	2,221,508
<i><u>District 6A</u></i>		
Halifax	1,680	663,168
District Totals	1,680	663,168
<i><u>District 6B</u></i>		
Bertie	244	338,446
Hertford	602	294,290
Northampton	393	347,243
District Totals	1,239	979,979
<i><u>District 7A</u></i>		
Nash	1,231	677,818
District Totals	1,231	677,818

Assigned Private Counsel, July 1, 2003 – June 30, 2004
(continued)

	Number of Cases	Expenditures
<u>District 7B-C</u>		
Edgecombe	972	397,306
Wilson	921	494,715
District Totals	1,893	892,021
 <u>District 8A</u>		
Greene	369	116,487
Lenoir	1,570	395,209
District Totals	1,939	511,696
 <u>District 8B</u>		
Wayne	2,190	702,500
District Totals	2,190	702,500
 <u>District 9</u>		
Franklin	654	269,177
Granville	822	317,731
Vance	852	545,701
Warren	260	116,731
District Totals	2,588	1,249,340
 <u>District 9A</u>		
Caswell	377	187,714
Person	1,204	481,282
District Totals	1,581	668,996
 <u>District 10</u>		
Wake	13,549	4,069,235
District Totals	13,549	4,069,235
 <u>District 11A</u>		
Harnett	2,086	812,106
Lee	1,058	273,928
District Totals	3,144	1,086,034
 <u>District 11B</u>		
Johnston	2,468	731,362
District Totals	2,468	731,362
 <u>District 12</u>		
Cumberland	2,431	2,072,712
District Totals	2,431	2,072,712
 <u>District 13</u>		
Bladen	749	255,473
Brunswick	1,722	537,397
Columbus	1,079	490,435
District Totals	3,550	1,283,305
 <u>District 14</u>		
Durham	1,788	940,123
District Totals	1,788	940,123

Assigned Private Counsel, July 1, 2003 – June 30, 2004
(continued)

	Number of Cases	Expenditures
<u>District 15A</u>		
Alamance	2,566	892,697
District Totals	2,566	892,697
<u>District 15B</u>		
Chatham	413	156,757
Orange	2,380	306,542
District Totals	2,793	463,299
<u>District 16A</u>		
Hoke	154	100,685
Scotland	523	381,821
District Totals	677	482,506
<u>District 16B</u>		
Robeson	1,708	975,194
District Totals	1,708	975,194
<u>District 17A</u>		
Rockingham	2,035	543,904
District Totals	2,035	543,904
<u>District 17B</u>		
Stokes	701	435,537
Surry	1,480	598,225
District Totals	2,181	1,033,762
<u>District 18</u>		
Guilford	3,593	1,392,892
District Totals	3,593	1,392,892
<u>District 19A</u>		
Cabarrus	2,964	853,105
District Totals	2,964	853,105
<u>District 19B</u>		
Montgomery	503	215,267
Moore	1,990	567,680
Randolph	2,177	738,684
District Totals	4,670	1,521,631
<u>District 19C</u>		
Rowan	3,377	1,077,189
District Totals	3,377	1,077,189
<u>District 20A</u>		
Anson	937	365,088
Richmond	2,736	926,069
District Totals	3,673	1,291,157
<u>District 20B</u>		
Stanly	1,329	476,478
Union	2,615	1,031,496
District Totals	3,944	1,507,974

Assigned Private Counsel, July 1, 2003 – June 30, 2004

(continued)

	Number of Cases	Expenditures
<u>District 21</u>		
Forsyth	4,351	1,182,850
District Totals	4,351	1,182,850
<u>District 22</u>		
Alexander	720	169,091
Davidson	3,830	997,357
Davie	661	316,363
Iredell	2,471	637,340
District Totals	7,682	2,120,151
<u>District 23</u>		
Alleghany	158	29,928
Ashe	410	94,256
Wilkes	1,640	449,405
Yadkin	587	111,202
District Totals	2,795	684,791
<u>District 24</u>		
Avery	303	131,743
Madison	210	69,815
Mitchell	267	82,844
Watauga	463	179,326
Yancey	289	112,003
District Totals	1,532	575,731
<u>District 25A</u>		
Burke	2,310	624,343
Caldwell	2,688	652,794
District Totals	4,998	1,277,137
<u>District 25B</u>		
Catawba	4,117	1,133,147
District Totals	4,117	1,133,147
<u>District 26</u>		
Mecklenburg	9,699	3,498,297
District Totals	9,699	3,498,297
<u>District 27A</u>		
Gaston	1,240	553,459
District Totals	1,240	553,459
<u>District 27B</u>		
Cleveland	2,482	647,907
Lincoln	689	193,067
District Totals	3,171	840,974
<u>District 28</u>		
Buncombe	1,763	803,342
District Totals	1,763	803,342

Assigned Private Counsel, July 1, 2003 – June 30, 2004

(continued)

	Number of Cases	Expenditures
<i><u>District 29</u></i>		
Henderson	2,297	673,476
McDowell	901	420,814
Polk	421	121,979
Rutherford	1,943	531,928
Transylvania	586	241,199
District Totals	6,148	1,989,396
<i><u>District 30A</u></i>		
Cherokee	501	198,201
Clay	81	30,112
Graham	196	80,613
Macon	503	158,883
Swain	244	86,584
District Totals	1,525	554,393
<i><u>District 30B</u></i>		
Haywood	1,091	428,788
Jackson	534	183,553
District Totals	1,625	612,341
 STATE TOTALS	 144,831	 50,941,867

*Cases and expenditures shown here include adult capital and non-capital offense cases, juvenile cases, and guardians ad litem for juveniles.

Also, county expenditure totals have been rounded before calculating the sum for district totals.

PART III

CASELOAD DATA

- **Appellate Courts Data**
 - **Supreme Court**
 - **Court of Appeals**
- **Trial Courts Data**
 - **Superior Court**
 - **District Court**
- **Special Programs Data**
 - **Arbitration**
 - **Child Custody and Visitation
Mediation**
 - **Mediated Settlement Conferences**
 - **Family Financial Settlement
Procedures**
 - **Sentencing Services**

PART III, Section 1

Appellate Courts Data

- **Supreme Court**
- **Court of Appeals**

The Supreme Court

The following Supreme Court tables give filing (docketing) and disposition data on petitions, appeals, and other proceedings. These tables are based on data reported by the Clerk's office, which is responsible for entering and compiling the Court's data.

Matters are heard in the Supreme Court either through appeal by right or by the Court granting discretionary review. Cases on appeal by right include appeals from the Court of Appeals in cases involving constitutional questions or dissent in the Court of Appeals, appeals from Superior Court in first degree murder cases in which the defendant has been sentenced to death, and appeals from any final order or decision of the Utilities Commission in general rate cases.

In its discretion, the Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance. The Court, in its discretion, may also hear appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full. A petitioner can seek such

discretionary review through a petition for discretionary review or a petition for writ of certiorari, or the Supreme Court can certify the case for review on its own initiative. Other requests for review by the court include petitions for writ of supersedeas, mandamus, or prohibition, and petitions for habeas corpus, as well as various motions, including motions for appropriate relief.

The first two tables in the Supreme Court subsection give ten-year trend data for appeals docketed and disposed and petitions docketed and allowed. The table following presents the Court's caseload inventory for FY 2003-04, broken down by the types of cases the Court hears. The following two tables summarize case activity in those cases reaching decision stage, and the disposition of petitions for review. The next table shows the various methods of dispositions of appeals -- signed opinion, per curiam opinion (unsigned opinion), and dismissal or withdrawal -- as well as the types of disposition (e.g., affirmed, reversed, and so on). The final table gives Supreme Court processing times for appeals disposed by signed or per curiam opinion.

NORTH CAROLINA SUPREME COURT

APPEALS DOCKETED AND DISPOSED DURING THE YEARS 1994-95 – 2003-04

	Appeals Docketed	Appeals Disposed
1994-95	180	194
1995-96	172	231
1996-97	169	188
1997-98	162	180
1998-99	164	196
1999-00	96	137
2000-01	130	89
2001-02	144	131
2002-03	138	142
2003-04	182	192

PETITIONS DOCKETED AND ALLOWED DURING THE YEARS 1994-95 – 2003-04

	Petitions Docketed	Petitions Allowed
1994-95	471	61
1995-96	502	72
1996-97	544	88
1997-98	547	78
1998-99	609	86
1999-00	577	39
2000-01	634	39
2001-02	662	37
2002-03	677	26
2003-04	678	30

NORTH CAROLINA SUPREME COURT
Caseload Inventory
July 1, 2003 – June 30, 2004

	Pending 7/1/03	Filed	Disposed	Pending 6/30/04
Petitions for Review				
Civil domestic	1	13	14	0
Juvenile	1	12	9	4
Other civil	41	236	228	49
Criminal	76	399	399	76
Administrative agency decision	1	18	14	5
Total Petitions for Review	120	678	664	134
Appeals				
Civil domestic	0	2	1	1
Petitions for review granted that became civil domestic appeals	0	0	0	0
Juvenile	1	2	1	2
Petitions for review granted that became juvenile appeals	0	1	0	1
Other civil	38	59	72	25
Petitions for review granted that became other civil appeals	11	21	20	12
Criminal, defendant sentenced to death	19	10	14	15
Criminal, defendant sentenced to life imprisonment	0	3	1	2
Other criminal	19	69	67	21
Petitions for review granted that became other criminal appeals	4	11	9	6
Administrative agency decision	2	4	5	1
Petitions for review granted that became appeals of administrative agency decision	2	0	2	0
Total Appeals	96	182	192	86
Other Proceedings				
Rule 16(b) additional issues re dissent		17	15	
Motions		739	753	
Total Other Proceedings		756	768	

Petitions for review are cases in which the Court is asked to accept discretionary review of decisions of the Court of Appeals as well as certain other tribunals. The Appeals category comprises cases within the Court's appellate jurisdiction.

**NORTH CAROLINA SUPREME COURT
July 1, 2003 – June 30, 2004**

SUBMISSION OF CASES REACHING DECISION STAGE

Cases Argued

Civil domestic	1
Juvenile	1
Other civil	69
Criminal (death sentence)	11
Criminal (life sentence)	0
Other criminal	17
Administrative agency decision	6
Total cases argued	105

Submissions Without Argument

By motion of the parties (Appellate Rule 30 (d))	0
By order of the Court (Appellate Rule 30 (f))	2
Total submissions without argument	2

Total Cases Reaching Decision Stage **107**

DISPOSITION OF PETITIONS

Petitions for Review	Granted*	Denied	Dismissed/ Withdrawn	Total Disposed
Civil domestic	0	13	1	14
Juvenile	1	8	0	9
Other civil	21	202	5	228
Criminal	8	277	114	399
Administrative agency decision	0	14	0	14
Total Petitions for Review	30	514	120	664

*"Granted" includes order allowing relief without accepting the case as a full appeal.

**DISPOSITION OF APPEALS IN THE SUPREME COURT
July 1, 2003 – June 30, 2004**

Disposition by Signed Opinion

Case Types	Affirmed*	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	New Sentencing Hearing	Reversed and Remanded	New Trial	Other	Total
Civil domestic	0	0	0	0	0	0	0	0	0
Juvenile	0	0	0	0	0	0	0	0	0
Other civil	7	1	4	4	0	8	0	1	25
Criminal (death sentence)	9	0	0	0	3	0	1	1	14
Criminal (life sentence)	0	0	0	0	0	0	0	0	0
Other criminal	2	1	1	0	0	2	1	1	8
Administrative agency decision	0	0	0	0	0	1	0	0	1
Totals	18	2	5	4	3	#	2	3	48

*Includes No error

Disposition by Per Curiam Opinion

Case Types	Affirmed	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	Reversed and Remanded	Other	Discretionary Review Improvidently Allowed	Total
Civil domestic	1	0	0	0	0	0	0	1
Juvenile	0	0	0	0	0	0	1	1
Other civil	20	5	0	8	1	2	7	43
Criminal (death sentence)	0	0	0	0	0	0	0	0
Criminal (life sentence)	0	0	0	0	0	0	0	0
Other criminal	9	0	0	1	0	0	1	11
Administrative agency decision	0	0	0	1	1	2	1	5
Totals	30	5	0	10	2	4	10	61

Disposition by Dismissal or Withdrawal

Case Types	Dismissed or Withdrawn
Civil domestic	0
Juvenile	0
Other civil	24
Criminal (death sentence)	0
Criminal (life sentence)	1
Other criminal	57
Administrative agency decision	1
Totals	83

**SUPREME COURT PROCESSING TIME
FOR APPEALS DISPOSED BY OPINION***

(Total time in days from docketing to opinion)

July 1, 2003 – June 30, 2004

	Number of Cases	(Days) Median	(Days) Mean
Civil Domestic	1	—	242
Petitions for review granted that became civil domestic appeals	0	0	0
Juvenile	1	—	336
Petitions for review granted that became juvenile appeals	0	0	0
Other civil	53	234	275
Petitions for review granted that became other civil appeals	15	292	301
Criminal, defendant sentenced to death	14	464	487
Criminal, defendant sentenced to life imprisonment	0	0	0
Other criminal	14	254	243
Petitions for review granted that became other criminal appeals	5	257	335
Administrative agency decision	4	207	241
Petitions for review granted that became appeals of administrative agency decision	2	—	427
Total appeals disposed by opinion	109	288	305

* Only cases disposed by signed opinion or per curiam opinion are included here.

The Court of Appeals

The three tables in the Court of Appeals subsection summarize filing and disposition activity in the Court of Appeals. These tables are based on data reported by the Clerk's office, which is responsible for entering and compiling the Court's data.

The Court of Appeals hears a majority of the appeals originating from the state's trial courts. It also hears appeals directly from the Industrial Commission, along with appeals from final orders or decisions of certain administrative agencies. Appeals from the decisions of other administrative agencies lie first within the jurisdiction of the superior courts.

In addition to trend data for the past ten years, the following tables provide filings and dispositions for cases on appeal, petitions, and motions during FY 2003-04. "Cases on appeal" include cases appealed from district courts, superior courts, and administra-

tive agencies. They are counted as appeals only after a record is filed with the Clerk's office and a docket number is assigned. The "petition" category includes petitions involving only the four "extraordinary" writs set out in Article V of the Rules of Appellate Procedure: certiorari, mandamus, prohibition, and supersedeas. "Motions" encompass any other type of relief sought from the Court of Appeals, either in a case already filed with the Court of Appeals, or one on its way to the Court of Appeals, but not yet filed.

Cases on appeal represent the largest portion of the Court of Appeals' workload, since most are disposed by written opinion. The other methods of disposition, represented by the "Other Cases Disposed" category in the table at the bottom of the data page, include the court's dismissal of the appeal and the appealing party's withdrawal of the appeal.

NORTH CAROLINA COURT OF APPEALS

FILINGS AND DISPOSITIONS DURING THE YEARS 1994-95 – 2003-04*

Fiscal Year	Filings	Dispositions
1994-95	1,906	1,796
1995-96	1,932	1,826
1996-97	2,088	2,018
1997-98	2,135	2,108
1998-99	2,352	2,194
1999-00	2,268	2,057
2000-01	2,380	2,155
2001-02	2,388	2,441
2002-03	2,572	2,496
2003-04	2,674	2,562

*Filings and dispositions shown here include appealed cases and petitions, but not motions.

FILINGS AND DISPOSITIONS — July 1, 2003 – June 30, 2004

Cases on appeal	Filings	Dispositions
Civil cases appealed from district courts	337	
Civil cases appealed from superior courts	526	
Civil cases appealed from administrative agencies	194	
Criminal cases appealed from superior courts	701	
Totals	1,758	1,702
Petitions		
Allowed		86
Denied		772
Remanded		2
Totals	916	860
Motions		
Allowed		3,998
Denied		686
Remanded		0
Totals	4,683	4,684
Total Cases on Appeal, Petitions, and Motions	7,357	7,246

MANNER OF CASE DISPOSITIONS — July 1, 2003 – June 30, 2004

<u>Cases Disposed by Written Opinion</u>			Other Cases Disposed	Total Cases Disposed
Affirmed	Reversed	Affirmed in Part, Reversed in Part		
980	166	246	310	1,702

PART III, Section 2

Trial Courts Data

- **Superior Court**
- **District Court**

TRIAL COURTS CASE DATA

This section presents summary data on the activity of the superior and district courts. The tables that follow provide statewide totals. Data for each district and county are provided throughout the year to local court officials and are available upon request from the Administrative Office of the Courts (AOC).

The caseload inventory tables provide a statistical picture of caseflow during the year. Inventory tables show the number of cases pending at the beginning of the year (July 1), the number of new cases filed, the number of cases disposed during the year, and the number of cases left pending at the end of the year (June 30). However, for certain case types, including estates and special proceedings in superior court, and civil magistrate cases, criminal motor vehicle cases, and infractions cases in district court, no beginning or end-pending data are available. Further, only filings data are collected for district court civil license revocations.

The tables also show the median ages of the cases pending at the end of the year, as well as the ages of cases disposed during the year. (Again, age data are not maintained on the case types identified above.) The median age of a group of cases is, by definition, the age of a hypothetical case that is older than 50% of the total set of cases and younger than the other 50%.

The tables that follow also provide statewide data on juvenile cases. This includes data on matters alleged in juvenile petitions filed, as well as data relating to adjudicatory hearings held, during the year.

Except for estates, special proceedings, and juvenile matters, caseload statistics come from the automated criminal, infraction, and civil modules of the AOC's Court Information System (CIS).

The case statistics in this trial courts section have been summarized from the automated filing and disposition case data, as well as from manually reported case data. Pending case information is calculated from the filing and disposition data. The accuracy of the pending case figures is, of course, dependent upon timely and accurate data on filings and dispositions.

Periodic comparisons by clerk personnel of their actual pending case files against the AOC's computer-produced pending case lists, followed by indicated corrections, are necessary to maintain accurate data in the AOC computer file. Yet, staff resources in the clerks' offices are not sufficient to make such physical inventory checks as frequently and as completely as would be necessary to maintain absolute accuracy in the AOC's computer files. Thus, it is recognized that there is some margin of error in the figures published in the following tables.

Another accuracy-related problem inherent in the AOC's reporting system is the lack of absolute consistency in the published year-end and year-beginning pending figures. The number of cases pending at the end of a reporting year should ideally be identical to the number of published pending cases at the beginning of the next reporting year. However, experience has shown that inevitably some filings and dispositions that occurred in the preceding year are not reported until the subsequent year. The later-reported data are regarded as being more complete and are used in the current year's tables, thereby producing some differences between the prior year's end-pending figures and the current year's beginning figures.

CASELOAD INVENTORY AND MEDIAN AGES OF SUPERIOR COURT CASES

July 1, 2003 — June 30, 2004

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
Civil Cases	21,578	26,484	26,579	21,483	223.0	196.0
Contract	4,372	6,491	6,509	4,354	152.0	161.0
Collect on Accounts	1,023	2,323	2,208	1,138	121.0	90.5
Motor Vehicle Negligence	6,177	6,384	6,454	6,107	327.0	204.0
Other Negligence	3,405	2,935	2,867	3,473	355.0	257.0
Real Property	1,701	1,190	1,358	1,533	412.0	302.0
Administrative Appeal	235	325	316	244	163.0	172.5
Other	4,665	6,836	6,867	4,634	154.0	174.5
Estates	—	60,163	57,024	—	—	—
Special Proceedings	—	107,679	99,394	—	—	—
Criminal Cases	73,684	139,906	138,744	74,846	180.0	226.0
Felonies	55,916	99,587	99,041	56,462	196.0	238.0
Murder	940	656	647	949	412.0	380.0
Manslaughter	60	107	92	75	197.0	238.0
Rape and First Degree						
Sex Offense	1,580	1,994	1,712	1,862	269.5	239.5
Other Sex Offenses	2,094	2,672	2,708	2,058	220.0	256.5
Robbery	3,278	5,179	5,139	3,318	217.0	222.0
Assault	2,070	3,231	3,095	2,206	225.0	250.0
Burglary and Breaking						
or Entering	6,881	15,407	15,284	7,004	170.0	197.0
Larceny	4,028	8,491	8,449	4,070	182.0	223.0
Arson and Burnings	234	300	367	167	202.0	253.0
Forgery and Utterings	2,878	6,559	6,862	2,575	161.0	189.0
Fraudulent Activity	6,518	10,452	10,964	6,006	202.0	272.0
Controlled Substances	16,452	29,215	28,597	17,070	211.0	257.0
Other	8,903	15,324	15,125	9,102	188.0	228.0
Misdemeanors	17,768	40,319	39,703	18,384	136.0	184.0
Impaired Driving Appeals	2,061	4,767	4,794	2,034	103.0	111.0
Other Motor Vehicle Appeals	2,712	6,056	5,892	2,876	112.0	110.0
Non-Motor Vehicle Appeals	6,363	13,502	13,250	6,615	175.0	262.0
Cases Originating in Superior Court	6,632	15,994	15,767	6,859	126.0	173.0

*On this table, criminal cases in superior court are aged from their original filing date, which was the district court filing date if the case originated in district court. (Data in annual reports and supplements prior to FY 1996-97 aged such cases from their filing date in superior court, and therefore excluded any time prior to transfer of such cases to superior court.)

MANNER OF DISPOSITION OF SUPERIOR COURT CASES

July 1, 2003 — June 30, 2004

	<u>Jury Trial</u>	<u>Judge Trial</u>	<u>Voluntary Dismissal</u>	<u>Final Order/ Judgment Without Trial</u>	<u>Clerk</u>	<u>Other</u>
Civil Cases	481	2,897	13,615	3,355	2,589	3,642
Contract	42	600	3,231	742	944	950
Collect on Accounts	1	193	600	251	792	371
Motor Vehicle Negligence	261	316	4,935	325	31	586
Other Negligence	87	211	1,861	180	22	506
Real Property	39	414	271	472	7	155
Administrative Appeal	0	116	93	39	0	68
Other	51	1,047	2,624	1,346	793	1,006
	<u>Jury Trial</u>	<u>Guilty Plea</u>		<u>DA Dismissal</u>		<u>Other</u>
		<u>to Lesser Offense</u>	<u>to Charged Offense</u>	<u>With Leave</u>	<u>Without Leave*</u>	
Criminal Cases	2,966	11,651	57,689	6,548	43,681	16,209
Felonies	2,210	11,140	48,279	4,438	31,648	1,326
Murder	121	272	119	5	120	10
Manslaughter	7	17	47	0	15	6
Rape and First Degree Sex Offense	188	276	420	29	755	44
Other Sex Offenses	191	153	1,354	61	906	43
Robbery	245	1,057	2,311	111	1,363	52
Assault	197	798	909	96	1,042	53
Burglary and Breaking or Entering	140	1,689	9,579	559	3,191	126
Larceny	77	1,013	4,074	428	2,782	75
Arson and Burnings	13	64	194	14	80	2
Forgery and Utterings	75	525	4,321	449	1,400	92
Fraudulent Activity	149	582	5,767	615	3,748	103
Controlled Substances	332	3,323	13,241	1,428	10,009	264
Other	475	1,371	5,943	643	6,237	456
Misdemeanors	756	511	9,410	2,110	12,033	14,883
Impaired Driving Appeals	217	72	629	293	264	3,319
Other Motor Vehicle Appeals	53	147	1,345	521	1,981	1,845
Non-Motor Vehicle Appeals	318	173	3,104	546	3,937	5,172
Cases Originating in Superior Court	168	119	4,332	750	5,851	4,547

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

CASELOAD INVENTORY AND MEDIAN AGES OF DISTRICT COURT CASES

July 1, 2003 — June 30, 2004

	Begin	Filed	Disposed	End	Median Ages (in days)	
					Pending	Pending
	Pending			Pending	Disposed	Pending
					Cases	Cases
Civil Cases	—	464,547	456,761	—	—	—
Civil Magistrate (Small Claims)	—	275,551	273,604	—	—	—
Civil District	78,695	188,996	183,157	84,534	65.0	161.0
URESА/UIFSA	326	404	433	297	80.0	1,419.0
Child Support (IV-D)	16,371	39,336	38,415	17,292	77.0	175.0
Child Support (Non IV-D)	8,960	6,827	6,022	9,765	130.0	548.0
Other Domestic Relations	27,172	78,695	75,865	30,002	49.0	209.0
<i>Subtotal Domestic Relations</i>	<i>52,829</i>	<i>125,262</i>	<i>120,735</i>	<i>57,356</i>	<i>55.0</i>	<i>258.0</i>
General Civil	23,994	59,861	58,507	25,348	95.0	98.0
Magistrate Appeal/Transfer	1,872	3,873	3,915	1,830	98.0	117.0
<i>Subtotal General Civil and</i>						
<i>Magistrate Appeal/Transfer</i>	<i>25,866</i>	<i>63,734</i>	<i>62,422</i>	<i>27,178</i>	<i>95.0</i>	<i>99.0</i>
Criminal Cases	—	1,534,481	1,497,425	—	—	—
Non-Motor Vehicle	207,579	641,846	630,686	218,739	74.0	84.0
Motor Vehicle	—	892,635	866,739	—	—	—
Infractions	—	749,014	734,012	—	—	—
Civil License Revocations	—	54,517	—	—	—	—

MANNER OF DISPOSITION OF DISTRICT COURT CASES
July 1, 2003 — June 30, 2004

	Jury <u>Trial</u>	Judge <u>Trial</u>	Voluntary <u>Dismissal</u>	Final Order/ Judgment w/o Trial	Clerk	Other
Civil Cases	149	56,306	22,996	45,191	26,836	31,679
URES/UIFSA	0	90	19	163	1	160
Child Support (IV-D)	4	9,261	2,878	16,330	28	9,914
Child Support (Non IV-D)	2	2,206	701	2,016	10	1,087
Other Domestic Relations	25	39,115	5,727	19,242	73	11,683
<i>Subtotal Domestic Relations</i>	<i>31</i>	<i>50,672</i>	<i>9,325</i>	<i>37,751</i>	<i>112</i>	<i>22,844</i>
General Civil	104	4,348	12,836	6,577	26,429	8,213
Magistrate Appeal/Transfer	14	1,286	835	863	295	622
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>	<i>118</i>	<i>5,634</i>	<i>13,671</i>	<i>7,440</i>	<i>26,724</i>	<i>8,835</i>

Probable Cause Matters (Felonies)

	<u>Waiver</u>	Guilty Plea	<u>Trial</u>	<u>DA Dismissal</u>		Other	Heard and Bound Over	Probable Cause Not Found	Probable Cause Waived	Super- ceding Indictment	Total
				With Leave	Without Leave*						
Criminal Cases											
Non-Motor Vehicle	26,280	189,252	28,447	36,806	223,276	36,117	1,496	2,174	19,894	66,944	90,508
Motor Vehicle	<u>Waiver:</u>	120,364			<u>Non-Waiver:</u>	746,375					
Infractions	<u>Waiver:</u>	374,141			<u>Non-Waiver:</u>	359,871					

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

MATTERS ALLEGED IN JUVENILE PETITIONS
July 1, 2003 — June 30, 2004

Delinquent Offenses	24,537
Capital	3
Other Felony	6,972
Misdemeanor	17,562
Undisciplined Offenses	4,836
Truancy	794
Other	4,042
Conditions	12,947
Dependent	3,621
Neglected	5,853
Abused	1,199
Parental Rights Petition	2,274
Total Petitions	42,320
Children before Court for First Time	17,190

ADJUDICATORY HEARINGS FOR JUVENILE MATTERS
July 1, 2003 — June 30, 2004

	<u>Retained</u>	<u>Dismissed</u>	<u>Total</u>
Delinquency Hearings	16,216	9,467	25,683
Undisciplined Hearings	2,510	1,059	3,569
Dependency Hearings	3,924	752	4,676
Neglect Hearings	6,094	1,193	7,287
Abuse Hearings	924	336	1,260
		Not	
	<u>Terminated</u>	<u>Terminated</u>	<u>Total</u>
Parental Rights	1,679	287	1,966
Total Hearings			44,441

PART III, Section 3

Special Programs Data

- **Arbitration**
- **Child Custody and Visitation
Mediation**
- **Mediated Settlement Conferences**
- **Family Financial Settlement
Procedures**
- **Sentencing Services**

SPECIAL PROGRAMS DATA

This section presents data on five special programs of the N.C. Judicial Branch. The cases reported in these tables do not represent cases *in addition* to those reported in the trial courts section. The cases are set out separately here to summarize the program activity of five programs -- arbitration, custody mediation, mediated settlement conferences, family financial settlement procedures, and sentencing services-- all of which are discussed in more detail in the description of the present court system in Part I.

ARBITRATION ACTIVITY
July 1, 2003 – June 30, 2004

	<u>Cases Noticed for Arbitration¹</u>			<u>Summary of De Novo Appeal Activity</u>				
	<u>District Court</u>	<u>Superior Court</u>	<u>Total</u>	<u>Cases Arbitrated</u>	<u>Appeals Filed</u>	<u>Trials</u>	<u>Dismissal/Other</u>	<u>Pending 6/30/04²</u>
District 1								
Camden	0	0	0	0	0	0	0	0
Chowan	1	0	1	0	0	0	0	0
Currituck	9	0	9	9	1	1	0	0
Dare	27	0	27	9	4	0	3	1
Gates	3	0	3	3	0	0	0	0
Pasquotank	8	0	8	2	0	0	0	0
Perquimans	0	0	0	0	0	0	0	0
District Totals	48	0	48	23	5	1	3	1
District 3A								
Pitt	53	1	54	44	8	3	1	4
District 3B								
Carteret	30	3	33	21	11	2	2	7
Craven	43	8	51	24	6	2	2	2
Pamlico	3	1	4	1	0	0	0	0
District Totals	76	12	88	46	17	4	4	9
District 5								
New Hanover	271	7	278	138	20	3	1	16
Pender	59	0	59	27	4	2	2	0
District Totals	330	7	337	165	24	5	3	16
District 6A								
Halifax	34	0	34	15	7	5	2	0
District 8A								
Greene	5	0	5	5	1	1	0	0
Lenoir	28	0	28	23	10	4	1	5
District Totals	33	0	33	28	11	5	1	5
District 8B								
Wayne	60	0	60	46	14	4	4	6
District 10								
Wake	397	0	397	223	62	11	37	14
District 12								
Cumberland	832	0	832	264	51	11	32	8
District 13								
Bladen	21	0	21	9	3	1	1	1
Brunswick	62	0	62	62	15	1	11	3
Columbus	36	0	36	16	3		0	3
District Totals	119	0	119	87	21	2	12	7
District 14								
Durham	237	7	244	126	50	0	14	36
District 15A								
Alamance	51	0	51	47	9	5	0	4
District 15B								
Chatham	21	0	21	13	0	0	0	0
Orange	76	0	76	53	14	8	0	6
District Totals	97	0	97	66	14	8	0	6

Arbitration Activity, July 1, 2003 – June 30, 2004

(Continued)

	Cases Noticed for Arbitration ¹			Cases Arbitrated	Summary of De Novo Appeal Activity			
	District Court	Superior Court	Total		Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/04 ²
District 16A								
Hoke	7	0	7	2	1	0	0	1
Scotland	9	0	9	4	0	0	0	0
District Totals	16	0	16	6	1	0	0	1
District 16B								
Robeson	50	0	50	12	0	0	0	0
District 17A								
Rockingham	23	0	23	16	6	4	0	2
District 18³								
Guilford	156	0	156	99	25	5	2	18
District 19B								
Montgomery	22	0	22	1	0	0	0	0
Moore	65	0	65	8	0	0	0	0
Randolph	43	0	43	37	9	2	2	5
District Totals	130	0	130	46	9	2	2	5
District 19C								
Rowan	42	0	42	41	9	2	4	3
District 20A								
Anson	6	0	6	6	4	0	2	2
Richmond	20	0	20	17	4	3	1	0
District Totals	26	0	26	23	8	3	3	2
District 20B								
Stanly	49	0	49	32	7	3	1	3
Union	90	0	90	53	14	3	2	9
District Totals	139	0	139	85	21	6	3	12
District 21								
Forsyth	309	0	309	151	51	9	22	20
District 22								
Alexander	10	0	10	3	2	1	0	1
Davidson	63	0	63	41	5	1	0	4
Davie	13	0	13	9	0	0	0	0
Iredell	93	0	93	48	8	4	1	3
District Totals	179	0	179	101	15	6	1	8
District 23								
Alleghany	7	0	7	2	2	2	0	0
Ashe	10	0	10	4	1	0	1	0
Wilkes	25	0	25	7	3	0	1	2
Yadkin	43	0	43	20	3	3	0	0
District Totals	85	0	85	33	9	5	2	2
District 24								
Avery	10	0	10	6	2	0	1	1
Madison	5	0	5	4	1	0	1	0
Mitchell	7	0	7	3	0	0	0	0
Watauga	57	0	57	23	5	1	2	2
Yancey	5	0	5	2	0	0	0	0
District Totals	84	0	84	38	8	1	4	3

Arbitration Activity, July 1, 2003 – June 30, 2004

(Continued)

	Cases Noticed for Arbitration¹			Summary of De Novo Appeal Activity				
	District Court	Superior Court	Total	Cases Arbitrated	Appeals Filed	Trials	Dismissal/Other	Pending 6/30/04²
District 25A								
Burke	60	0	60	26	3	1	0	2
Caldwell	37	0	37	16	3	0	3	0
District Totals	97	0	97	42	6	1	3	2
District 25B								
Catawba	91	0	91	31	7	2	3	2
District 26								
Mecklenburg	979	0	979	638	210	30	44	136
District 27A								
Gaston	153	37	190	124	68	8	36	24
District 27B								
Cleveland	63	0	63	34	11	2	8	1
Lincoln	30	0	30	17	4	1	2	1
District Totals	93	0	93	51	15	3	10	2
District 29								
Henderson	43	0	43	33	8	2	3	3
McDowell	8	0	8	7	0	0	0	0
Polk	5	0	5	0	0	0	0	0
Rutherford	20	0	20	18	7	2	2	3
Transylvania	10	0	10	12	2	0	2	0
District Totals	86	0	86	70	17	4	7	6
District 30A								
Cherokee	7	0	7	2	1	0	0	1
Clay	2	0	2	2	0	0	0	0
Graham	4	0	4	1	1	0	0	1
Macon	10	0	10	4	1	0	0	1
Swain	3	0	3	2	0	0	0	0
District Totals	26	0	26	11	3	0	0	3
District 30B								
Haywood	16	0	16	9	8	2	1	5
Jackson	20	0	20	5	2	1	0	1
District Totals	36	0	36	14	10	3	1	6
TOTALS	5,167	64	5,231	2,812	791	158	260	373

(28.1% of cases arbitrated)

¹ Cases in which parties are notified that a case has been assigned to court-ordered arbitration. Such notification occurs at the conclusion of the pleadings phase, or upon the filing of a small claims appeal, for all arbitration-eligible cases.

² Additional cases may be pending from trial de novo requests filed in the prior year(s). In most instances, these are cases with requests for jury trials. Many of the smaller counties have district court jury sessions only once or twice a year, so such cases may be pending for well over a year. This chart only accounts for the year-end status of trial de novo requests filed during FY 2003-04.

³ No September 2003 data reported.

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY

July 1, 2003 – June 30, 2004

	Cases Pending 7/1/03	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated ****	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/04
District 3A									
Pitt	33	145	178	50	26	106	30	136	42
District 4									
Duplin, Jones, Onslow, Sampson	15	334	349	151	109	223	87	310	39
District 5									
New Hanover, Pender	44	521	565	175	80	299	232	531	34
District 6A									
Halifax	7	95	102	26	25	71	21	92	10
District 6B									
Bertie, Hertford, Northampton	22	80	102	20	12	48	36	84	18
District 8									
Greene, Lenoir, Wayne	30	224	254	74	50	151	74	225	29
District 9									
Franklin, Granville, Vance, Warren	10	102	112	44	20	95	17	112	0
District 9A									
Caswell, Person	5	39	44	16	13	37	6	43	1
District 10									
Wake	99	784	883	218	184	474	313	787	96
District 11*									
Harnett, Johnston, Lee	28	499	527	119		236	239	475	52
District 12									
Cumberland	54	1,093	1,147	249	160	410	580	990	157

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY

July 1, 2003 – June 30, 2004

	Cases Pending 7/1/03	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not ***Mediated ****	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/04
District 13 Bladen, Brunswick, Columbus	6	268	274	198	87	229	37	266	8
District 14 Durham	16	250	266	55	49	155	93	248	18
District 15A Alamance	19	245	264	122	92	191	33	224	40
District 15B Chatham, Orange	5	165	170	112	76	158	2	160	10
District 16A Hoke, Scotland	0	68	68	40	2	59	9	68	0
District 17A Rockingham	10	120	130	45	39	109	10	119	11
District 17B Stokes, Surry	17	171	188	56	45	155	22	177	11
District 18 ** Guilford County	0	392	392	109	54	170	27	197	195
District 19A Cabarrus	26	128	154	100	80	115	11	126	28
District 19B Montgomery, Moore, Randolph	13	299	312	198	165	288	15	303	9
District 19C Rowan	28	278	306	171	104	207	36	243	63

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY

July 1, 2003 – June 30, 2004

	Cases Pending 7/1/03	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated ***	Total Cases Disposed Through Mediation Office ****	Cases Pending 6/30/04
District 20 Anson, Richmond, Stanly, Union	26	235	261	81	52	137	88	225	36
District 21 Forsyth	68	351	419	145	104	283	103	386	33
District 25 Burke, Caldwell, Catawba	112	634	746	229	148	462	212	674	72
57 District 26 Mecklenburg	136	1,199	1,335	327	213	658	557	1,215	120
District 27A Gaston	24	225	249	103	25	184	25	209	40
District 27B Cleveland, Lincoln	46	143	189	52	42	120	25	145	44
District 28 Buncombe	123	316	439	170	97	246	77	323	116
TOTALS	1,022	9,403	10,425	3,455	2,153	6,076	3,017	9,093	1,332

*District 11 agreements are generally signed in the attorneys' offices, not in the mediation office. Therefore, the mediation staff cannot capture accurate numbers on signed agreements.

** District 18's program did not start until February 2004

*** Cases mediated includes one face to face session with both parties. Mediation outcomes include full permanent parenting agreements,

temporary agreements or partial agreements. Mediation sessions may also result in no signed agreements, or determinations that mediation is inappropriate

(documented domestic violence, serious substance abuse, etc.). These numbers do not include orientation sessions.

**** Cases not mediated includes a party's failure to appear, a voluntary dismissal, court exemption, inappropriate cases (domestic violence, serious substance abuse, etc.),

parties living 50 miles or more from the county, or consent order signed in lieu of a parenting agreement.

MEDIATED SETTLEMENT CONFERENCES CASES
July 1, 2003 – June 30, 2004

Districts	Begin Pending ¹	Submitted to Mediation	Ordered Removed	Disposed without Session	Resolved through Conference	Not Resolved through Conference	End Pending ²
1	111	124	48	42	38	25	82
2	224	109	5	51	13	26	238
3A	180	189	2	83	24	35	225
3B	316	215	2	17	84	58	370
4A	128	98	2	20	26	19	159
4B	36	62	0	31	22	22	23
5	548	425	2	88	69	85	729
6A	36	57	1	15	15	45	17
6B	7	106	10	22	12	15	54
7A ³	27	164	10	9	9	3	160
7B/C	176	399	18	141	107	99	210
8A	25	97	4	34	21	19	44
8B	68	104	11	29	42	31	59
9	217	220	2	49	90	55	241
9A ⁸							
10	541	1,087	45	386	313	264	620
11A	89	259	6	75	73	63	131
11B	313	453	7	288	92	75	304
12	146	396	91	114	134	81	122
13	379	305	2	198	90	55	339
14	841	400	5	262	97	103	774
15A	59	112	2	13	61	33	62
15B	131	187	5	52	59	52	150
16A	40	58	4	23	23	7	41
16B	36	73	0	14	50	12	33
17A	46	89	4	29	37	26	39
17B	86	123	17	35	41	26	90
18	396	836	59	180	362	209	422
19A	91	171	11	70	47	36	98
19B ⁴	58	171	16	46	54	46	67
19C	189	128	1	42	34	38	202
19D ⁴	79	4	0	1	4	4	74
20A	73	120	2	41	28	36	86
20B ⁵	64	0	0	0	16	12	36
21	288	441	11	74	146	100	398
22	836	320	3	32	140	88	893
23	78	164	1	52	44	52	93
24 ⁷		277	0	27	126	35	
25A	95	156	11	47	58	53	82
25B	189	213	2	87	62	68	183

Mediated Settlement Conferences Activity, July 1, 2003– June 30, 2004
(Continued)

Districts	Begin Pending¹	Submitted to Mediation	Ordered Removed	Disposed without Session	Resolved through Conference	Not Resolved through Conference	End Pending²
26 ⁶	403	1,440	19	305	488	510	521
27A	83	228	1	27	62	65	156
27B	129	144	26	23	87	56	81
28	448	234	15	46	116	94	411
29	268	264	6	98	63	71	294
30A	87	79	6	57	10	19	74
30B	57	114	4	39	35	21	72
TOTALS	8,717	11,415	499	3,414	3,624	2,947	9,559

¹Cases pending as of July 1, 2003.

²Cases pending as of June 30, 2004.

³Pending numbers adjusted for July 2003.

⁴Effective December 2003, District 19B split into 19B and 19D. Moore, Montgomery, and Randolph counties reported data for July December 2003. Montgomery and Randolph counties reported data for January - June 2004. District 19D (Moore County) reports data separately as of effective date.

⁵Data reported for April - June 2004.

⁶Pending numbers adjusted in December 2003.

⁷ No "Begin Pending" or "End Pending" data reported.

⁸ No data reported.

FAMILY FINANCIAL SETTLEMENT PROCEDURES CASES
July 1, 2003 – June 30, 2004

Districts	Begin Pending ¹	Ordered to Mediation	Voluntarily Submitted to Mediation	Submitted to other Settle. Proced.	Ordered Removed from Settle. Proced.	Disposed without Settle. Proced.	Resolved through Settle. Proced.	Partially Resolved through Settle. Proced.	Not Resolved through Settle. Proced.	End Pending ²
5	95	234	0	0	0	48	62	0	148	71
6A	10	12	0	2	0	2	9	3	8	2
8	29	40	0	0	1	13	17	6	16	16
9	24	24	4	0	1	2	27	0	4	18
12 ⁶		334	0	113	70	38	24	1	24	
14	40	44	0	29	0	7	32	5	34	35
16A ³	0	78	0	0	2	26	0	1	4	45
17A	30	48	14	0	0	24	45	1	10	12
19A ⁴	0	43	0	0	0	0	0	0	0	43
20	21	121	39	6	1	62	46	0	48	30
23	59	56	1	0	0	8	31	3	17	57
24	40	85	0	2	0	32	45	0	23	27
25	122	230	22	0	39	118	46	10	54	107
26 ⁵	0	44	0	52	1	6	16	2	18	53
28	30	93	0	0	1	17	23	2	17	63
30	58	65	0	0	2	30	42	0	13	36
TOTALS	558	1,551	80	204	118	433	465	34	438	615

09

¹Cases pending in Settlement Procedures as of July 1, 2003.

²Cases pending in Settlement Procedures as of June 30, 2004.

³Data reported August 2003 - June 2004.

⁴Data reported April - June 2004.

⁵Data reported January - June 2004.

⁶No data reported.

SENTENCING SERVICES PROGRAMS

(as of June 30, 2004)

Districts	Counties Served	Name of Program Servting District	Program Activity	1999-00	2000-01	2001-02	2002-03	2003-04
1	Camden Chowan Currituck Dare Gates Pasquotank Perquimans	First District Sentencing Services	Plans Opened	75	61	32 #	60	10 ^^
			Plans Prepared	56	51	19	44	4
			Plans Presented to Court	53	51	17	44	5
2	Beaufort Hyde Martin Tyrrell Washington	2nd District Sentencing Services	Plans Opened	41	76	89	30	40
			Plans Prepared	15	36	50	44	38
			Plans Presented to Court	15	35	49	44	36
3A	Pitt	Sentencing Services Program of Pitt County	Plans Opened	71	122	126 ##	34	48
			Plans Prepared	42	48	70	26	33
			Plans Presented to Court	37	41	65	20	32
3B	Carteret Craven Pamlico	Neuse River Sentencing Services	Plans Opened	85	112	127	106	123
			Plans Prepared	52	43	40	38	53
			Plans Presented to Court	42	43	39	37	52
4A & 4B	Duplin Jones Onslow Sampson	Pretrial Resource Center, Inc.	Plans Opened	123	150	138	96	92
			Plans Prepared	72	64	90	75	50
			Plans Presented to Court	72	54	78	71	50
5	New Hanover Pender	5th District Sentencing Services	Plans Opened	151	152	141	79	107
			Plans Prepared	98	104	101	75	71
			Plans Presented to Court	91	102	98	74	70

SENTENCING SERVICES PROGRAMS, as of June 30, 2004

(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1999-00	2000-01	2001-02	2002-03	2003-04
6A & 6B	Halifax Bertie Hertford Northampton	District 6A&B Sentencing Services	Plans Opened	64	61	62	31 ^{###}	59
			Plans Prepared	46	46	55	31	57
			Plans Presented to Court	42	46	54	30	57
7A & 7B	Edgecombe Nash Wilson	Sentencing Services Program for the 7th Judicial District	Plans Opened	49	77	62	73	47
			Plans Prepared	48	55	64	54	39
			Plans Presented to Court	45	54	64	52	39
8A & 8B	Greene Lenoir Wayne	Sentencing Services Program for the 8th Judicial District	Plans Opened	69	85	96 ^{##}	81	47
			Plans Prepared	30	43	45	35	35
			Plans Presented to Court	27	43	39	34	35
9	Franklin Granville Vance Warren	Ninth District Sentencing Services	Plans Opened	84	54	33	32	32
			Plans Prepared	46	54	32	33	31
			Plans Presented to Court	46	54	31	33	27
9A	Caswell Person	District 9A Sentencing Services	Plans Opened	60	88	56	41	38
			Plans Prepared	43	62	35	31	46
			Plans Presented to Court	42	62	34	31	46
10	Wake	ReEntry, Inc.	Plans Opened	136	72	99	89	124
			Plans Prepared	68	52	78	52	84
			Plans Presented to Court	65	47	72	51	84
11A & 11B	Harnett Johnston Lee	Eleventh Judicial District ReEntry, Inc.	Plans Opened	84	114	128	66	98
			Plans Prepared	79	124	110	97	107
			Plans Presented to Court	78	124	108	96	107
12	Cumberland	Fayetteville Area Sentencing Center, Inc.	Plans Opened	83	127	124	54	74
			Plans Prepared	65	96	91	72	51
			Plans Presented to Court	58	90	88	69	51
13	Bladen Brunswick Columbus	Cape Fear Sentencing Services	Plans Opened	22	49 *	98	79	96
			Plans Prepared	21	41	58	54	74
			Plans Presented to Court	21	41	56	53	74

SENTENCING SERVICES PROGRAMS, as of June 30, 2004
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1999-00	2000-01	2001-02	2002-03	2003-04
14	Durham	Durham Sentencing Services	Plans Opened	88	288	378	112	158
			Plans Prepared	45	109	136	105	100
			Plans Presented to Court	42	106	133	104	101
15A	Alamance	District 15A Sentencing Services	Plans Opened	98	122	106	68	80
			Plans Prepared	61	88	71	57	74
			Plans Presented to Court	54	80	62	57	73
15B	Chatham Orange	Orange/Chatham Alternative Sentencing, Inc.	Plans Opened	63	62	66	57	69
			Plans Prepared	60	50	60	51	60
			Plans Presented to Court	56	47	55	49	58
16A	Hoke Scotland	District 16A Sentencing Services	Plans Opened	37	56	74	42	62
			Plans Prepared	20	31	49	34	20
			Plans Presented to Court	18	29	48	34	20
16B	Robeson	District 16B Sentencing Services Program	Plans Opened	48	38	43 ^{##}	53 ^{***}	26
			Plans Prepared	31	42	29	22	30
			Plans Presented to Court	20	28	27	24	29
17A	Rockingham	ReDirections, Sentencing Services	Plans Opened	41	68	113	79	51
			Plans Prepared	39	43	101	94	53
			Plans Presented to Court	34	43	87	87	49
17B	Stokes Surry	ReDirections, Sentencing Services	Plans Opened	27	35	27	28	42
			Plans Prepared	10	27	29	24	46
			Plans Presented to Court	9	27	28	24	42
18	Guilford	One Step Further, Sentencing Alternatives Center	Plans Opened	172	197	168	117	131
			Plans Prepared	93	87	92	70	74
			Plans Presented to Court	77	77	86	67	74
19A	Cabarrus	Cabarrus Sentencing Services	Plans Opened	48	66	114	47	87
			Plans Prepared	28	40	88	46	72
			Plans Presented to Court	23	40	88	46	72

SENTENCING SERVICES PROGRAMS, as of June 30, 2004
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1999-00	2000-01	2001-02	2002-03	2003-04
19B	Montgomery Moore Randolph	District 19B Sentencing Services	Plans Opened	74	33	35 **	24	18 ^^
			Plans Prepared	32	15	29	23	5
			Plans Presented to Court	30	14	29	23	5
19C	Rowan	Rowan Sentencing Services	Plans Opened	55	73	73	26	36
			Plans Prepared	43	53	51	39	28
			Plans Presented to Court	39	53	51	39	28
20A & 20B	Anson Richmond Stanly Union	20th District Sentencing Services	Plans Opened	77	31	51 ##	38	62
			Plans Prepared	55	22	41	41	40
			Plans Presented to Court	52	19	39	40	40
21	Forsyth	ReDirection, Inc. Sentencing Services of Forsyth County,	Plans Opened	202	80	49 #	0 ***	23
			Plans Prepared	103	56	33	0	18
			Plans Presented to Court	82	47	32	0	18
22	Alexander Davidson Davie Iredell	Appropriate Punishment Options	Plans Opened	62	61	45	68	114
			Plans Prepared	25	40	23	31	47
			Plans Presented to Court	25	36	22	31	45
23	Alleghany Ashe Wilkes Yadkin	Blue Ridge Dispute Settlement Center, Inc.	Plans Opened	25	40	26 ##	28	36
			Plans Prepared	19	34	23	33	25
			Plans Presented to Court	16	34	23	33	25
24	Avery Madison Mitchell Watauga Yancey	Blue Ridge Dispute Settlement Center, Inc.	Plans Opened	38	29	52 ##	67	66
			Plans Prepared	21	24	26 **	38	41
			Plans Presented to Court	16	21	19	38	40
25A & 25B	Burke Caldwell Catawba	Repay, Sentencing Services	Plans Opened	107	124	97 ##	71	78
			Plans Prepared	65	99	70	81	57
			Plans Presented to Court	59	88	65	64	56

SENTENCING SERVICES PROGRAMS, as of June 30, 2004

(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1999-00	2000-01	2001-02	2002-03	2003-04
26	Mecklenburg	Mecklenburg Sentencing Services	Plans Opened	129	207 *	165	74	91
			Plans Prepared	98	142	129	78	79
			Plans Presented to Court	94	136	124	77	79
27A & 27B	Gaston Cleveland Lincoln	District 27 Sentencing Services	Plans Opened	72	106	104 ^{##}	61	133
			Plans Prepared	65	99	101	57	104
			Plans Presented to Court	58	97	98	56	104
28	Buncombe	Buncombe Alternatives	Plans Opened	51	78	52	35	45
			Plans Prepared	47	67	59	29	45
			Plans Presented to Court	45	67	59	29	45
29	Henderson McDowell Polk Rutherford Transylvania	29th District Sentencing Services	Plans Opened	75	57	78	45	61
			Plans Prepared	59	45	63	38	46
			Plans Presented to Court	52	40	57	33	46
30A & 30B	Cherokee Clay Graham Haywood Jackson Macon Swain	30th District Sentencing Services	Plans Opened	42	38	52	30	15
			Plans Prepared	29	37	32	18	19
			Plans Presented to Court	29	33	31	18	18
STATE TOTALS			Plans Opened	2,828	3,289	3,379	2,121	2,519
			Plans Prepared	1,829	2,169	2,273	1,770	1,856
			Plans Presented to Court	1,664	2,049	2,155	1,712	1,832

*Startup funding was awarded during this fiscal year for the program to this district. Services began or were enhanced the following fiscal year.

**There was a change to service provider for this district during this fiscal year.

[#]This program did not submit data for the months of May and June 2002.

^{##}This program did not submit data for the month of June 2002.

^{***}This program closed & reopened under a new service provider during the 2nd half of the fiscal year.

^{###}This program did not submit data from October-December of 2002 due to the office closing.

^{^^}Programs were not staffed for several months.